

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JANE FIELY,)
)
Plaintiff,)
)
vs.) Case No. 3:13-CV-2005
) Judge Carr
ESSEX HEALTHCARE CORPORATION,)
et al.,)
)
Defendants.)

- - -

Deposition of KELSEY L. QUELLHORST, a
Witness herein, called by the Plaintiff as if
upon Cross Examination, pursuant to the Federal
Rules of Civil Procedure, taken before me, Teri
Genovese Mauro, Registered Professional
Reporter, a Notary Public in and for the State
of Ohio, at the offices of Widman & Franklin,
405 Madison Avenue, Toledo, Ohio, on Wednesday,
August 20, 2014, commencing at 10:02 a.m.

- - -

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I N D E X

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1 APPEARANCES:

2 On behalf of the Plaintiff:

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By: BRIAN R. GARRISON

9 ALSO PRESENT: Jane Fiely

10 - - -

11

12 KELSEY L. QUELLHORST,
13 a Witness herein, called by the Plaintiff as if
14 upon Cross Examination, was by me first duly sworn,
15 hereinafter certified, testified and said as follows:

16 - - -

17 CROSS-EXAMINATION

18 BY MR. FRANKLIN:

19 Q Please state and spell your full name for
20 the record, please.

21 A Kelsey Lyne Quellhorst, K-E-L-S-E-Y,
L-Y-N-E, Q-U-E-L-L-H-O-R-S-T.

22 Q What's your current residential address?

23 A 1039 South Wayne Street, St. Marys, Oh,
24 45885.

1 Q Do you reside at that location with anyone
2 over the age of 17?

3 A My mom and stepdad.

4 Q Okay. Who's your stepdad?

5 A William R. Schwendeman, Jr.

6 Q How do you spell his last name?

7 A S-C-H-W-E-N-D-E-M-A-N.

8 Q What's your mother's name?

9 A Heather.

10 Q Same last name as your stepfather?

11 A Yes.

12 Q How long has William been your stepfather?

13 A Oh, since I was eight years old, I'd say.

14 Q Is William employed outside the home?

15 A Yes.

16 Q Where is he employed?

17 A Honda in Anna, Ohio.

18 Q How long has he been employed there?

19 A I'm not really sure. I know probably at
20 least five years.

21 Q Does he work anywhere else outside the
22 home?

23 A Huh-uh.

24 Q No?

25 A Other than having rental properties.

1 Q Heaven Rental Properties or having?

2 A Having rental properties. He's a
3 landlord.

4 Q Does he work there or just own the
5 properties?

6 A He just owns properties and any fixes they
7 need, he'll do.

8 Q What properties are those?

9 A I can't give you actual number addresses.
10 I know there's one, I think it's 1037, right beside
11 their house on Wayne Street. There's one in Celina
12 and then one on Jay Street in St. Marys, and one on
13 Lynn Street in St. Marys.

14 Q Are they owned by a company?

15 A No. They're owned by him.

16 Q He doesn't have an LLC or partnership set
17 up to your knowledge?

18 A Not that I know of.

19 Q Is your mother employed outside the home?

20 A No.

21 Q Is your natural father still in contact
22 with you?

23 A Yes.

24 Q What's his name?

25 A Keith R. Quellhorst.

1 Q Is he employed outside the home?

2 A Yes.

3 Q Where is he employed?

4 A Allen County Deputy Sheriff.

5 Q How long has he been an Allen County
6 deputy sheriff?

7 A Four or five years. He was on the LPD for
8 over ten years, Lima Police Department, for over ten
9 years. Then he went back into the military and then
10 got on the sheriff's department.

11 Q Is he full time or part time?

12 A Full time.

13 Q Is he on the road patrol?

14 A What -- what do you mean by that?

15 Q Do you know what position he holds? Does
16 he have a rank? Does he have a title?

17 A Not to my knowledge. I think he's just a
18 patrol. I just know he's a deputy.

19 Q Did someone drive you up here today?

20 A My dad.

21 Q Your natural dad --

22 A Uh-huh.

23 Q -- or your stepdad?

24 A My natural dad.

25 Q What counties and states have you lived in

1 since you've been an adult?

2 A Just Auglaize.

3 Q Just at the address you told me?

4 A Uh-huh.

5 Q Yes?

6 A Yes. Sorry.

7 Q What's your current business address?

8 A 1209 Indiana Avenue.

9 Q 1209 Indian Avenue?

10 A Indiana Avenue, St. Marys Living Center.

11 Q It's 109 Indiana Avenue, is that

12 St. Marys, Ohio?

13 A Uh-huh. It's 1209.

14 Q How long has that been your place of
15 employment?

16 A Three years.

17 Q Do you work anywhere else?

18 A I just started working through Divine Home
19 Health Care which is in Lima, Ohio.

20 Q Define?

21 A Divine, D-I-V-I-N-E.

22 Q What do you do there?

23 A Home health aide.

24 Q So you do both jobs?

25 A Uh-huh.

1 Q Yes?

2 A Sure do. Yes.

3 Q Do you work full time at the St. Marys'
4 facility?

5 A Part time.

6 Q Since when?

7 A September 1st, three years ago.

8 Q So is that 2011?

9 A Yes.

10 Q And how long have you worked at the health
11 care facility?

12 A I just started that two weeks ago.

13 Q Is that full time or part time?

14 A Part time.

15 Q During the time period that you worked at
16 the St. Marys' facility, have you worked anywhere
17 else?

18 A No, I have not.

19 Q Have you always been part time?

20 A I started out full time.

21 Q And you voluntarily went to part time?

22 A Yes.

23 Q Why was that?

24 A School.

25 Q What school?

1 A Rhodes State Community College.

2 Q What's your date of birth?

3 A 3/22/91.

4 Q Have you had your deposition taken before?

5 A No, I have not.

6 Q I'm sure it's been explained to you but
7 you can see that we have a court reporter present,
8 so you'll need to keep your answers audible.

9 A Okay.

10 Q I may see that you're nodding your head or
11 shrugging your shoulders but the court reporter
12 can't take that down.

13 A Okay.

14 Q In general conversation, people anticipate
15 questions and start to answer the question before
16 it's completed. Even though you may correctly
17 anticipate my question, I ask that you allow me to
18 finish my question and I'll allow you to finish your
19 answer.

20 A Okay.

21 Q That way, when we read the transcript,
22 there's not the beginning of my question, the
23 beginning of your answer, the end of my question,
24 the end of your answer.

25 A Okay.

1 Q If I ask you a question that you don't
2 understand, I want you to tell me that you don't
3 understand my question and what part of my question
4 you don't understand.

5 A Okay.

6 Q I'll then try to rephrase my question and
7 put it in a form that you will understand. There
8 may be times that you give an answer that I don't
9 understand. That doesn't mean that I don't believe
10 your answer. You just may be using some terminology
11 or phraseology in the workplace I'm unfamiliar with
12 and I may have to ask some follow-up questions so
13 that I completely understand your answer.

14 A Okay.

15 Q As long as there's not a question pending,
16 if you'd like to take a break, just indicate out
17 loud on the record you'd like to take a break and
18 we'll take one. Okay?

19 A Okay.

20 Q What did you do to prepare yourself for
21 today's deposition?

22 A Talked to Brian, Mr. Garrison.

23 Q When did you talk to Brian?

24 A Yesterday morning.

25 Q By phone or in person?

1 A Phone.

2 Q Okay. What else did you do?

3 A Reviewed my statement form to refresh my
4 memory.

5 Q Reviewed your statement form. What's a
6 statement form?

7 A It's a paper through the workplace when
8 any incident occurs that you fill out and you write
9 down what happened or what you seen.

10 Q And how often do you write an incident
11 report?

12 A If anything happens to either a fellow
13 coworker and you've witnessed it or if something
14 happens to a resident and you've witnessed it or if
15 you're unknowledgeable to the situation that
16 occurred, then you just write down that you're
17 unaware of the situation that occurred.

18 Q So if you're unaware of a situation that
19 occurred, you still write down on a piece of paper
20 that you're unaware of the situation?

21 A Anyone that's working in the facility has
22 to do that.

23 Q Okay. So if there's an incident that
24 happens in a patient's room like 20 rooms away from
25 where I'm working, I still have to fill out an

1 incident form that says I was in a room -- I was
2 working 20 rooms away and I didn't see anything, but
3 just to let you know where I was?

4 A Yes.

5 Q Okay. So how do I know? I mean, I'm 20
6 rooms away working and an incident occurs in a
7 patient's room, how do I even find out about the
8 incident?

9 A The charge nurse or the nurse that's
10 responsible for the resident will inform you of the
11 situation occurring and will tell you what time it
12 happened and tell you that you need to fill out the
13 statement form.

14 Q Okay. Well, you said something about if
15 something happens to a coworker. Same thing? Like
16 even if I'm there, I don't see anything. Someone
17 comes and tells me, hey, something happened, so fill
18 out an incident report even if you didn't see
19 anything?

20 A That's just if the coworker has seen it.

21 Q Oh, so only if I witness something that
22 happens with the coworker?

23 A Yes.

24 Q Now, what if you as, let's say, an STNA
25 witnesses something that happens to someone in

1 management, do you still write an incident
2 statement?

3 A I would. I don't really fully know what
4 the company policy is --

5 Q Okay.

6 A -- for something like that, but it's based
7 off of honesty and what you feel is best.

8 Q It's based off of your feelings?

9 A Like what you feel is the best -- I don't
10 really know how to explain that. I'm sorry.

11 Q Well, you said that you fill out an
12 incident report when you witness something that goes
13 on with a coworker or goes on with a patient. I'm
14 now talking about something that goes on not with
15 one of your coworkers, someone on the same reporting
16 level as you, but what if it's something that
17 involves the administrator, do you write an incident
18 report?

19 MR. GARRISON: Objection. Calls for
20 speculation. Go ahead and answer.

21 A If you witness something, out of morals,
22 you should fill out a statement form.

23 Q Out of morals?

24 A Out of morals and judgment, especially if
25 it's something that you know is of wrongdoing, and

1 they will be -- if somebody feels it's necessary to
2 write out a statement form, you will be questioned
3 by upper management of what was seen and what -- who
4 was around.

5 Q When you get questioned, let's say, by
6 upper management, do you get to come off the floor
7 and stop doing your regular work duties and go
8 interact with management or do you keep doing what
9 you're doing and they walk with you and ask you the
10 questions?

11 A They take you to their offices to talk to
12 them or ask you to go to their office.

13 Q So other than your statement, did you
14 review any other documents in preparation for your
15 deposition?

16 A No, I have not.

17 Q How did you get the statement?

18 A I kept a copy --

19 Q You kept a copy?

20 A -- of it, myself.

21 Q Where did you keep the copy?

22 A In my car. In the dashboard.

23 Q In your what?

24 A In my car. In my dashboard or console,
25 whatever you would call that, because I have a Dodge

1 Caliber and it has a cooler and then the glove box,
2 I guess, is what that's actually called.

3 Q So you've carried your statement around
4 since you first created it?

5 A Uh-huh.

6 Q Yes?

7 A I sure have.

8 Q Yes?

9 A Yes.

10 Q And so you created the statement, let's
11 say, in April of '13; is that fair?

12 A Yes, I did.

13 Q And, I mean, do you let other people read
14 your statement --

15 A No, I do not.

16 Q -- when it's in your car?

17 A No, I do not.

18 Q Why do you keep the statement in your car
19 as opposed to maybe in your locker at work or in a
20 notebook?

21 A Because I live with my mother and stepdad
22 and I don't like other people in my business unless
23 it is necessary to where it comes to something with
24 legal action, and also I was debating for the
25 longest time of actually going to the police station

1 and filing a report with them as well.

2 Q Okay. Why didn't you?

3 A Because I have never had any issues with
4 Jane, Miss Fiely, and I didn't want to necessarily
5 ruin her life before that situation occurred.

6 Q Well, you -- do you have some
7 understanding as to what would have happened when
8 you went to the police station?

9 A Yes, I do.

10 Q Okay. Tell me what would have happened.

11 A They would have questioned her, or they
12 would have -- they would have, at least, kept it on
13 file if I told them not to take any action against
14 it, and if I would have told them that I wanted to
15 press charges, they would have came and questioned
16 her and could have went through court system and
17 Ohio Board of Nursing could have been involved and
18 her license could have been taken away from her
19 permanently.

20 Q So you thought you had that much power --

21 A I wouldn't say power.

22 Q -- over her -- can you let me finish my
23 question?

24 A I'm sorry. I'm sorry.

25 Q You felt that you had that much power over

1 her given what you alleged happened in this
2 incident?

3 A I wouldn't say power. I just feel I
4 understand how the justice system works for the most
5 part when it comes to that type of situation.

6 Q What's your knowledge base as to how the
7 justice system works? Did you ask your father?

8 A Yes, I did.

9 Q Okay. Do you have any other information
10 as to how the justice system works except for asking
11 your father?

12 A No, I do not.

13 Q I mean, are you in law enforcement?

14 A No, I'm not.

15 Q Even at Rhodes State, do you take classes
16 in criminal justice?

17 A I have completed the LPN program through
18 there and they stress when it comes to -- they've
19 taught us all about the legal laws and aspects when
20 it comes to nursing.

21 Q Okay. So you know laws related to
22 nursing --

23 A Uh-huh.

24 Q -- perhaps?

25 A Yes, I do.

1 Q Do you know the laws of the criminal
2 justice system as it comes -- as it came to the
3 allegations that you've made in writing?

4 A Other than what my father has explained to
5 me, no.

6 Q Did your father explain to you that even
7 if Jane would get charged, she would be able to have
8 a jury of her peers and be represented by counsel?

9 A We didn't discuss that far.

10 Q Did you discuss with your father bringing
11 charges against the facility itself?

12 A No, I did not.

13 Q Did you ever threaten to bring charges
14 against Jane?

15 A In my statement, I did say that I would go
16 to other outside authorities --

17 Q Okay.

18 A -- if something wasn't done internally.

19 Q What did you want to be done internally?
20 Jane fired?

21 A I didn't want her fired. I just felt like
22 the situation should have been addressed, because
23 it's not okay to put your hand on one of your
24 employees within the work facility.

25 Q Well, were you embarrassed by what

1 happened?

2 A I was embarrassed, upset, felt threatened.

3 Q Okay.

4 A Very.

5 Q When the incident occurred, how old were
6 you?

7 A That was back in '13, so I was 22.

8 Q Do you know how old Jane is?

9 A No idea.

10 Q Do you know she's in her 60's?

11 A Okay.

12 Q Did you know that she was in her 60's?

13 A No, I didn't know that.

14 Q Did you review any other documents in
15 preparation for your deposition?

16 A No.

17 Q Did you talk to anyone other than Brian to
18 prepare yourself for today's deposition?

19 A No, I did not, other than my father.

20 Q Okay. What did you and your father talk
21 about to prepare yourself for today's deposition?

22 MR. GARRISON: I know you've got a
23 question pending, John, but can we just
24 not leave the room but take a minute till
25 we get some tissues?

1 MR. FRANKLIN: Sure. Kera is going
2 to get them. Let's go off the record.

3 (Whereupon, a discussion was held off
4 the record.)

5 MR. FRANKLIN: Can you read back the
6 question, Teri.

7 (Whereupon, the court reporter read
8 back the previous question.)

9 A I just asked him how the process went.

10 Q What did he tell you?

11 A That you would swear in and then be asked
12 questions and always answer truthfully. And he said
13 if you don't know, then tell them you don't know.

14 Q Okay. Did he tell you he's had his
15 deposition taken before?

16 A Yes, he has.

17 Q Did he tell you that he's testified on a
18 witness stand before?

19 A I have no idea if he has or not.

20 Q Okay. Anyone else that you talked to to
21 prepare yourself for today's deposition?

22 A No, I have not.

23 Q When was the last time you talked to
24 Ciara?

25 A When -- the packet that she got sent for

1 the deposition is the last time I talked to her.

2 Q Okay. So since I wasn't there and I -- to
3 know when she got the packet, can you tell me maybe
4 the month and date and year?

5 A It was this year.

6 Q Okay.

7 A And probably last month.

8 Q Okay. Did she call you or did you call
9 her?

10 A She got a hold of me.

11 Q What does that mean? She attempted to get
12 a hold of you and had to leave voice messages?

13 A Yeah. She text me and asked me if she
14 could call me at some point and asked me if I knew
15 anything about what a deposition was.

16 Q Did the two of you end up talking?

17 A No, we did not other than -- well, I told
18 her that it was just where you'd come and be asked
19 questions by the lawyers.

20 Q No. Did you do this by text or were you
21 physically talking to her?

22 A Talking on the phone.

23 Q Okay. Did the two of you talk about Jane
24 or the incident?

25 A No, we did not.

1 Q Did you know that it was Jane that was
2 bringing the lawsuit?

3 A I knew, but I didn't mention anything
4 about it.

5 Q How did you know?

6 A Because I was told by -- I can't remember
7 what his name is. Bob through corporate.

8 THE WITNESS: What's his last name?

9 MR. GARRISON: Huenefeld.

10 A Huenefeld. He called me while I was at
11 work and told me that Miss Fiely was filing a
12 lawsuit and that I was going to be put through a
13 deposition soon.

14 Q Did he tell you not to talk to me if --

15 A No, he didn't.

16 Q -- I tried to get a hold of you?

17 A No, he did not.

18 Q Was that the first time that you knew that
19 Jane had filed a lawsuit is when you heard it from
20 Bob?

21 A Lorraine, before she left the facility and
22 went to a different place of employment, she told me
23 there is a chance that I may be going through the
24 process.

25 Q Okay. Well, who told you first? Bob or

1 Lorraine?

2 A Lorraine.

3 Q Okay. So you said Lorraine told you
4 before she left?

5 A Uh-huh.

6 Q When did she leave?

7 A Three months ago, I think. I can't
8 remember the date to be honest.

9 Q Okay. So you talked to Lorraine first,
10 and then how long between the time that you talked
11 to Lorraine and the time you talked to Bob?

12 A A week maybe.

13 Q Okay. Did you tell Bob I already know
14 from Lorraine?

15 A I told him that Lorraine mentioned
16 something that it may be going through the process.

17 Q Did you talk to any of your other
18 coworkers about having your deposition taken?

19 A The new administrator and the DON, but I
20 didn't go into details. I just needed to make
21 sure -- well, and Gabby. Just needed to make sure
22 that I had the date off.

23 Q Why did you just tell me "and Gabby"?

24 A Because she's the scheduling.

25 Q What's Gabby's last name?

1 A Schriver -- I can't ever pronounce it.

2 Schivara or Schriver. I can't even pronounce it.

3 Q Where does Ciara work now?

4 A I have no idea.

5 Q When did she leave?

6 A I don't remember.

7 Q Had the two of you talked at any point
8 after she left before she contacted you about the
9 deposition?

10 A No, we have not.

11 Q Were you and Ciara friends when you worked
12 together?

13 A We were coworkers. I didn't know her
14 before she started working there.

15 Q Are you about the same age?

16 A No.

17 Q How old is Ciara?

18 A She just graduated high school.

19 Q From what high school?

20 A I have no idea.

21 Q So at the time of the incident, you would
22 say she was a minor? She was under 18?

23 A Yes.

24 Q Does your stepdad know you're having a
25 deposition taken?

1 A I told him, yes.

2 Q Okay. When did you tell him?

3 A Just last week before they left for
4 vacation.

5 Q What did you tell him?

6 A That I had to go through a deposition.

7 Q Did you --

8 A And it was --

9 Q -- ask him if he knew what a deposition
10 was?

11 A No.

12 Q Did you tell him why you were being
13 deposed?

14 A I told him it was just for work, work
15 related.

16 Q Did you tell him it was because Jane had
17 filed a lawsuit?

18 A No.

19 Q Did you tell your mother you were having
20 your deposition taken?

21 A Yes.

22 Q What did you tell her?

23 A For work.

24 Q Okay. So the people that you've told are
25 your dad, your stepdad, your mother, Gabby, the DON,

1 and the administrator?

2 A Yes.

3 Q Anyone else?

4 A No.

5 Q Who's the new administrator?

6 A Christine something. I don't know her
7 last name. I think --

8 Q What did you tell her?

9 A -- it's Powell.

10 Q Okay.

11 A She knew what was going on before I even
12 had to inform her.

13 Q Who's the new DON?

14 A Erika Neimeyer.

15 Q What did you tell Erika?

16 A She -- because I was expecting a phone
17 call, so I let her -- from Brian while I was at
18 work, and her and Christine already knew about it
19 before I could even inform them.

20 Q How do you know that Erika knew about it?

21 A Because she told me that when the phone
22 call comes to go up to the administrator's office.

23 Q Were you not scheduled to work today?

24 A No.

25 Q Are you being paid to testify here today?

1 A Yes.

2 Q Who's paying you?

3 A The living center.

4 Q Were you regularly scheduled to work
5 today?

6 A No, I was not.

7 Q How many hours are you being paid?

8 A I have been picking up days. I'm normally
9 six days every two weeks to pay and I've been
10 picking up working four days a week.

11 Q How many hours are you being paid to
12 testify here today?

13 A I don't know.

14 Q Well, who told you you were going to be
15 paid?

16 A Corporate --

17 Q Well --

18 A -- HR. I don't know her name.

19 Q Well, who's corporate?

20 A I don't know what her name is. The HR.

21 Q So someone from corporate HR?

22 A Uh-huh.

23 Q Yes?

24 A Yes.

25 Q Whose name you don't know?

1 A No.

2 Q Somebody you met or somebody called you on
3 the phone or --

4 A I asked Mr. Garrison if this was something
5 I'd be getting paid for and he looked into it for me
6 and asked them and he let me know that I would be
7 getting paid for it.

8 Q Okay. Well, were you on the phone when --
9 were you there when he made the phone call?

10 A No, I was not.

11 Q So you don't know if he asked them?
12 You're just telling me what you were told, correct?

13 A The administrator also told me that the HR
14 got a hold of her and told her that I should be paid
15 for the deposition today.

16 Q So the administrator at your questioning
17 or just happened to see you and told you you should
18 be paid for today?

19 A I went and talked to her after I spoke to
20 Mr. Garrison.

21 Q Okay. So after he told you you were going
22 to be paid, you went to the administrator to make
23 sure you were going to be paid?

24 A Yes, I did, just to double check.

25 Q Are you scheduled to work your other job

1 today?

2 A No, I am not.

3 Q Anything else you did to prepare yourself
4 for today's deposition?

5 A No. I -- nothing.

6 Q Have you journalized anywhere else what
7 happened during the alleged incident with Jane?

8 A No.

9 Q Do you keep a notebook --

10 A No.

11 Q -- separate? Do you write in a diary?

12 A No, I do not.

13 Q Did you -- have you written on like a blog
14 site --

15 A No.

16 Q -- or anywhere?

17 A No, I have not.

18 Q Do you have social media?

19 A I have Facebook.

20 Q Okay. Is it public or private?

21 A Private.

22 Q How long has it been private?

23 A Since I've gotten it which would have been
24 in 2009.

25 Q Do you have the same Facebook account that

1 you had in 2009?

2 A Yes, I do.

3 Q Okay. Do you have any other social media?

4 A No, I do not.

5 Q Have you had any other social media?

6 A Back in high school, I think a Myspace, or
7 junior high. That was too long ago.

8 Q Do you have a computer at home?

9 A Yes, I do.

10 Q Is it a desktop or a laptop?

11 A Three laptops and a desktop.

12 Q How long have you had the three laptops?

13 A We've had two for -- since 2009, and then
14 just got the last one within the past year.

15 Q Okay. Are they laptops that you use?

16 A I only used one.

17 Q Okay. The one that you use, what type of
18 laptop is it?

19 A A Dell, a Inspiron -- I don't know the
20 actual -- I think it's an Inspiron.

21 Q And you've had that since 2009?

22 A Uh-huh. Yes, I have.

23 Q Okay. The desktop, is that yours?

24 A No.

25 Q Do you use it?

1 A No.

2 Q Do you have an iPad or any other tablet?

3 A I have a Kindle Fire, and my parents
4 have -- well, it's a family iPad.

5 Q How long have you had the Kindle Fire?

6 A My brother got it for me two Christmases
7 ago.

8 Q So in '12 or in '11?

9 A I'd say 2012.

10 Q What about your phone, is it a smart
11 phone?

12 A An iPhone.

13 Q All right. What phone did you have in
14 April of '13?

15 A I think I had the iPhone at that time.

16 Q Okay. iPhone what?

17 A 5.

18 Q 5. Is that the same phone you have today?

19 A Yes, it is.

20 Q Have you had the same cell phone number
21 for a while?

22 A Since I was 14.

23 Q When Ciara contacted you, did she text you
24 or send you an e-mail?

25 A She texted me.

1 Q Do you still have those texts?

2 A Very doubtful.

3 Q Why is that?

4 A My phone's been acting up and saying the
5 memory is getting full storage data, whatever that
6 really is. I don't fully understand.

7 Q So you think -- did you delete it?

8 A I've deleted messages, but I'm not sure
9 who all I deleted, because I haven't deleted
10 messages probably since I've gotten the phone.

11 Q Okay. But my question, I'll make it
12 specific, did you delete the text messages from
13 Ciara?

14 A I don't know.

15 Q When you say "I don't know," are you
16 saying you may have, you just don't have present day
17 recollection?

18 A Yes.

19 Q Did you have any other text messages on
20 your phone at any time related to Jane?

21 A No.

22 Q No employees or -- current or former
23 employees had text you at any time regarding Jane?

24 A No.

25 Q In your Facebook account, do you -- did

1 you ever text anything or put anything on your
2 Facebook related to Jane?

3 A No.

4 Q I take it that you have friends on your
5 Facebook account?

6 A Yes, I do.

7 Q Okay. Which friends do you have from the
8 facility?

9 A Almost everyone that works there.

10 Q Okay. Well, just start listing them then.
11 Particularly the people that were working at the
12 facility in April of '13.

13 A Darla Michael, Jill -- it was Roby, but
14 now it's Roman, Gabby, Liz Miller. I think that's
15 it from that time frame.

16 Q Okay. Did you ask any of these people to
17 write a statement for you?

18 A No, I did not.

19 Q Do you know if anyone asked them to write
20 a statement?

21 A I have no knowledge.

22 Q Did you identify any of these people as
23 people that may have witnessed --

24 A Yes, I did.

25 Q -- the incident?

1 A Yes, I did.

2 Q Which people did you --

3 A Jill.

4 Q Okay.

5 A And Darla.

6 Q Okay. Anyone else?

7 A Well, I do have Ciara, but she doesn't
8 work at the facility any more.

9 Q Okay. But I'm talking about employees,
10 whether they're there or not that are on your
11 friends' list that were there in April of '13?

12 A Yes, so Ciara would be on that list, too.

13 Q Okay. How about Liz?

14 A She -- I don't know if she did or not.

15 Q Okay.

16 A Or she could have.

17 Q Do you know if she was involved in the
18 incident?

19 A No, not to my knowledge.

20 Q What about Gabby?

21 A No. She wasn't even there that day.

22 Q Okay.

23 A At that time, I should say.

24 Q So Darla, Jill and Ciara --

25 A Yes.

1 Q -- from your friends' list?

2 A Yes.

3 Q Okay. When I asked you who you had on
4 your friends' list, you made it sound as if you had
5 several people. Are these the only people that are
6 on your friends' list who are either current or
7 former employees?

8 A You want current as well?

9 Q Yeah.

10 A Okay. Miranda Kistler.

11 Q How long has she worked at the facility?

12 A Ten months.

13 Q Okay. So she wasn't there when Jane was
14 there?

15 A No.

16 Q Who else?

17 A Jenna Windell.

18 Q Okay.

19 A She's within her 90 days. Becky Utzler.

20 She's within her 90 days. Carly -- or no, I don't
21 have her. I'm sorry. Oh, Tiffany Dungeon. She
22 would have been in the 2013 range, but she no longer
23 works there.

24 Q When in 2013?

25 A I don't remember, 'cause she worked there

1 and then she quit for a while and then she came
2 back.

3 Q Okay. Anyone else?

4 A There have been so many people that have
5 come and go -- come and gone. Rhonda Baker.

6 Q How long has she been there?

7 A Two or three years. Roxie Carroll.

8 Q How long has she been there?

9 A I don't know. Amy Douglas.

10 Q How long has she been there?

11 A Before I started. That's all I know.

12 Tosha Fowler.

13 Q How long has she been there?

14 A Four or five months.

15 Q Did you ever post anything on your
16 Facebook related to how you felt about the alleged
17 incident with Jane?

18 A No, I have not.

19 Q Okay. I mean, at the time you were
20 embarrassed and upset about what had happened?

21 A And I felt threatened.

22 Q And you felt threatened, and you didn't
23 post that anywhere on your Facebook?

24 A No, I did not.

25 Q Okay. Have you ever been a plaintiff in a

1 lawsuit?

2 A No, I have not.

3 Q Have you ever been a defendant in a
4 lawsuit?

5 A No, I have not.

6 Q Other than today, have you ever been a
7 witness in a lawsuit?

8 A No.

9 Q Other than today, have you ever given
10 testimony under oath?

11 A I don't think so. I'm pretty sure I
12 haven't.

13 Q What does that mean? You may have?

14 A When I was younger, I had to make a
15 statement because of a man trying to bust through my
16 door and get to me.

17 Q How old were you when that happened?

18 A Thirteen or fourteen.

19 Q Did you make a statement to the police?

20 A Yes, I did.

21 Q Did you ever have to testify?

22 A No, I did not.

23 Q Okay. Have you ever been in the military?

24 A No, I have not.

25 Q Have you ever been arrested for a felony

1 or misdemeanor?

2 A As a juvenile, I got into some trouble.

3 Q Tell me about that.

4 A I was hanging out with the wrong people,
5 so I got in trouble for association.

6 Q What does that mean, "I was hanging out
7 with the wrong people" and "I got in trouble for
8 association"?

9 A For hanging out with them, and I kept
10 trying to tell them to stop doing what they were
11 doing, and so since I was around and never reported
12 anything, I was just as much to be blamed, I guess,
13 is how it's --

14 Q Okay. I get that. What were you
15 ultimately charged with?

16 A I don't remember. I was so young.

17 Q Okay. Like how much younger than you are
18 now?

19 A I was 13, so it was 10 years ago.

20 Q Okay. So you think you were charged with
21 hanging out with the wrong people?

22 A No. That's not what it was.

23 Q That's your excuse for why you were
24 charged?

25 A It's what my probation officer explained

1 to me.

2 Q Who was your probation officer?

3 A Sally Imondi.

4 Q Sally, what was her last name?

5 A Imondi.

6 Q How do you spell it?

7 A I don't know. I think I-M-O-N-D-I, I
8 think.

9 Q What court did you go through?

10 A Auglaize.

11 Q Juvenile court?

12 A Juvenile.

13 Q How long were you on -- were you on
14 probation?

15 A Yes.

16 Q For how long?

17 A When I was 16 and a half or 17, it got
18 changed to unsupervised. It might have even been
19 sooner than that. I can't fully remember, but when
20 I was 18, I was completely off.

21 Q Okay. Did you have to report to a
22 probation officer?

23 A I never had to. We were supposed to have
24 appointments, but she didn't show up. She was
25 supposed to come to my house.

1 Q And she never did?

2 A Huh-uh.

3 Q Were you ever drug tested?

4 A When I was initially put on probation.

5 Q The things that these other kids were
6 doing that you didn't participate in but you just
7 knew that they were doing, what were they?

8 A Throwing rocks at abandoned buildings,
9 windows. I think they went inside, 'cause it was a
10 big group. I can't keep tabs or remember who all.
11 Think some of them went inside. I know one kid put
12 a mailbox on fire. They took things out of a Jeep.
13 It was one of the zip up ones.

14 Q Okay.

15 A And I couldn't go home, 'cause I got
16 threatened to get the crap beat out of me if I were
17 to leave, so I was scared, young, dumb. I admit,
18 didn't hang out with a very good crowd.

19 Q Well, were these other kids much older
20 than you?

21 A I was 13 and the main person was 21.

22 Q Okay. But you said there were a lot of
23 people --

24 A There was.

25 Q -- a lot of kids. So were some of them

1 your age?

2 A Yes.

3 Q Did they use the same excuse that they
4 were hanging out with the wrong crowd?

5 A No.

6 Q Only you've used that excuse?

7 A It's not an excuse. It's the truth.

8 Q Oh, it's the truth?

9 A Yes.

10 Q Do you still blame others for the times
11 you get in trouble?

12 MR. GARRISON: Objection. That's
13 argumentative.

14 A I don't blame anybody. I made the mistake
15 of hanging out with people that I thought were good
16 people and obviously they weren't. After that, I
17 did not hang out with them any more.

18 Q After the arrest?

19 A After even getting in trouble.

20 Q Were you arrested?

21 A I wasn't arrested. I mean like --

22 Q Well, you were charged with something?

23 A Yeah, I was charged.

24 Q And you must have either pled or there was
25 a finding of guilty?

1 A Yes. I'm sorry. I thought you were
2 talking about the questioning process.

3 Q Any other times you've been in trouble
4 with the law?

5 A No.

6 Q Any times you've been picked up for
7 speeding?

8 A Yes.

9 Q When was that?

10 A I want to say four Thanksgivings ago.

11 Q Four Thanksgivings?

12 A Not in a row, but four Thanksgivings ago.

13 I think -- I think it was a couple days after
14 Thanksgiving I got pulled over going to my dad's for
15 Thanksgiving.

16 Q What year was that?

17 A I don't remember. Probably 2010, 2011.

18 Q Okay. And all they picked you up for was
19 speeding?

20 A Yes.

21 Q Okay. Any other time?

22 A Year and a half later on my way to school.

23 Q Okay. So this would have been in 2011?

24 A Or '12, yeah.

25 Q Okay. On your way to school?

1 A Yes.

2 Q Tell me what happened there.

3 A I was just running late and I didn't
4 realize that I was going faster than what the speed
5 limit was.

6 Q Okay. And you lost track of time?

7 A No. I didn't lose track of time. I woke
8 up late. We lost power.

9 Q Okay. Any other times you've been
10 arrested -- or given a ticket for speeding?

11 A No.

12 Q Didn't you get a ticket for speeding on
13 the same day of this incident?

14 A I don't think so. Not that I remember.

15 Q Are you claiming that you didn't get a
16 speeding ticket on the 19th of April, 2013?

17 A Not that I remember.

18 Q So by saying that not that I can remember,
19 you can't tell me if you got a speeding ticket on
20 that day, before or after the incident with Jane?

21 A Yes, I can't remember the exact date.

22 Q Okay. Well, I mean when you say you can't
23 remember the exact date, do you remember getting a
24 ticket in '13?

25 A No, I do not.

1 Q So you remember the ticket from the four
2 Thanksgivings ago, and you remember a ticket
3 sometime maybe in early '12 on your way to school,
4 but you don't remember a ticket on the day that you
5 allege you and Jane had this confrontation; is that
6 fair?

7 A Yes.

8 Q Okay. When you get a speeding ticket, do
9 you tell your father given that he's in law
10 enforcement?

11 A Yes.

12 Q Okay. Each and every time?

13 A Yes.

14 Q Do you tell him with the hopes of him
15 getting you out of the ticket?

16 A No.

17 Q Have you ever been issued a ticket that
18 you've then gotten out of?

19 A No.

20 Q Did you graduate from high school?

21 A Yes, I did.

22 Q When and where?

23 A St. Marys Memorial High School, 2009.

24 Q Do you have any formal post high school
25 education?

1 A What do you mean exactly?

2 Q Have you obtained a college degree?

3 A Certificate.

4 Q You have a certificate?

5 A Yes, I do.

6 Q What's the certificate in?

7 A Practical nursing.

8 Q When did you get that?

9 A The 7th of this month.

10 Q So you're an LPN?

11 A I haven't taken State boards yet, so just
12 practical nurse. Can't practice until you pass the
13 State boards.

14 Q Okay. Are you an STNA?

15 A Yes.

16 Q When did you first become an STNA?

17 A I took the classes through Apollo my
18 senior year of high school, and I completed that in
19 2008 is when I got my license for that.

20 Q So you were a junior in high school when
21 you became an STNA?

22 A Senior.

23 Q Senior? Okay. So was it the fall of
24 2008?

25 A Yes.

1 Q What do you have to do to become an STNA?

2 A You take a two- to three-week class, at
3 least, through Apollo. It's a two- to three-week
4 class and then you have a final exam that you have
5 to take, which there is a written and then you have
6 a practical which is where you're showing skills.

7 Q What's Apollo?

8 A It's Apollo Career Center. It has many
9 functions, and I couldn't tell you what all of them
10 are.

11 Q I mean, do you get to leave your regular
12 high school and go to this vocational school?

13 A My principal okayed it.

14 Q Okay. I didn't ask who okayed it. I
15 asked you, because I don't understand --

16 A Yes.

17 Q -- did you get to leave your high school
18 and go to a vocational school?

19 A Yes.

20 Q Did you go to high school during the
21 morning and go to the vocational school in the
22 afternoon or how did it work?

23 A I went to high school from 7:55 in the
24 morning up until 2:30 p.m., and then class at Apollo
25 started, I think it was 3:15 or 3:30.

1 Q And you do that for two weeks?

2 A Uh-huh.

3 Q Is that what you said?

4 A And it went until 9:30 or 10:00 at night.

5 Q Okay. But for two weeks?

6 A Yeah.

7 Q And then you take a test?

8 A Uh-huh. Yes, you do.

9 Q Is it like multiple choice test?

10 A Yes.

11 Q Do you do it on a computer?

12 A It's written.

13 Q Do you know like as soon as you're done
14 whether you passed or not?

15 A Took about a week to get results back.

16 Q Is that the results from the test and the
17 practicum or --

18 A Yes.

19 Q -- is that two different things?

20 A It's both.

21 Q So within a week you know?

22 A Yes.

23 Q Do you know what your score is?

24 A They don't give you a score.

25 Q It's kind of a pass/fail thing?

1 A Yes.

2 Q I take it you passed the first time?

3 A Yes.

4 Q Do you know anyone that didn't pass the
5 first time?

6 A I have no idea.

7 Q Okay. Why did you want to be an STNA?

8 A I've always wanted to be a nurse ever
9 since I was three or four years old.

10 Q Okay.

11 A So I started --

12 Q What does STNA have to do with it?

13 A Because you have to be an STNA or have
14 your STNA course, which there's a certificate that
15 you get for doing it and then you can take the final
16 state test and you can work off of the certificate,
17 I think, for three months is what it is. And since
18 I did the class, I just figured I'd go ahead and
19 take the final test and work as an STNA while going
20 to school for nursing, because it's a requirement
21 for nursing to have either the STNA certificate or
22 license.

23 Q Is that to be an LPN --

24 A Any nurse.

25 Q -- or RN? So you think -- your testimony

1 is to be an RN you first have to be an STNA?

2 A It's a requirement through courses.

3 Q Who told you that?

4 A Rhodes State.

5 Q Rhodes State told you to be an RN, you
6 first have to be an STNA?

7 A You don't have to be, but you have to
8 complete the course, the STNA course, in order to
9 continue on and graduate.

10 Q So you told me that now you're a PN
11 waiting for your license?

12 A Yes.

13 Q How long does the wait take?

14 A Depends on your application, the
15 application process. Once it all gets processed and
16 you pay for it all.

17 Q Well, are you guaranteed a job somewhere
18 as an LPN?

19 A I am going to apply once I become an LPN
20 at different places.

21 Q Are you going to apply at St. Marys?

22 A I plan on moving to Columbus in the next
23 two months.

24 Q So you're not going to apply at St. Marys?

25 A No.

1 Q So the answer would be -- are you going to
2 apply at St. Marys, the answer would be no?

3 A It's no.

4 Q Do you have a list of places in Columbus
5 you're going to apply to?

6 A Not yet.

7 Q Do you have any degrees from Rhodes State,
8 like an associate's degree or bachelor's degree --

9 A No.

10 Q -- master's? You said that you took a
11 course related to nursing laws. Tell me about that.

12 A It's part of the requirement for the
13 nursing program. They just teach you the laws and
14 regulations and --

15 Q I mean, is that an entire class? Like how
16 many credit hours do you get?

17 A That's a section of the course. It's just
18 a requirement for them to go. It's usually the
19 first few chapters in a course.

20 Q I mean, how many hours -- credit hours do
21 you spend pursuing the PN portion of the LPN?

22 A It was -- I want to say it's close to 30.

23 Q Thirty hours?

24 A Just for the nursing certificate program,
25 then you have your gen. ed. on top of it, general

1 education.

2 Q When did you start pursuing a nursing LPN?

3 A For LPN?

4 Q Yeah.

5 A I switched from the RN to the LPN in
6 January of this year.

7 Q Why did you switch?

8 A Financial reasons.

9 Q You indicated that you switched from
10 full-time work to part-time work at St. Marys
11 because of school?

12 A Yes.

13 Q Explain that to me.

14 A The -- I started out in the RN program,
15 and with the RN program, you have two clinical days
16 a week which are ten-hour days each on top of having
17 your three days a week of class --

18 Q Okay.

19 A -- or two days a week. I'm sorry. Two
20 days a week of class. So you had a total of four
21 days that was school related.

22 Q You couldn't work at night?

23 A The clinical hours were usually 6:00 a.m.
24 till 3:45 in the afternoon.

25 Q Okay. Couldn't work after that?

1 A I could have, but I wouldn't have gotten
2 much sleep.

3 Q So what did you have to do to switch from
4 RN to LPN?

5 A Just talked to the dean and chair of
6 nursing.

7 Q When you first get out of high school,
8 where are you working?

9 A I was working for McDonald's in St. Marys.

10 Q Full time or part time?

11 A I basically worked full time.

12 Q What does basically working full time
13 mean?

14 A They would schedule me 40 hours a week.

15 Q Okay.

16 A But then you had your half-hour lunches
17 that you didn't get paid for, so it put me down to,
18 I think, 37-and-a-half hours a week.

19 Q Okay. For how long did you work at
20 McDonald's?

21 A Since I was 15 and a half up until a
22 couple months before I worked at the living center.

23 Q So did you go from McDonald's to
24 St. Marys?

25 A I went from McDonald's to the nursing home

1 by the hospital in St. Marys called Golden Valley
2 Living Center which it's now Vancrest.

3 Q Why did you leave McDonald's?

4 A Why did I leave the McDonald's? Is that
5 what you asked?

6 Q Yeah.

7 A I wanted to get into the area that I was
8 planning on studying for my future career.

9 Q Did you resign?

10 A I gave them my two weeks.

11 Q Did you put it in writing?

12 A Yes.

13 Q Who was your immediate supervisor?

14 A Then -- is that -- are you asking like is
15 it --

16 Q When you left --

17 A -- the owner or --

18 Q -- who was your immediate supervisor? Who
19 did you consider to be your supervisor?

20 A Billie Lewis.

21 Q What was Billie's title?

22 A Store manager.

23 Q And then you started working, was it full
24 time at Golden Valley?

25 A Yes.

1 Q Doing what?

2 A STNA.

3 Q How long did you work full time as an STNA
4 at Golden Valley?

5 A Two or three months.

6 Q Then what happens?

7 A I went over to the St. Marys Living
8 Center.

9 Q Why?

10 A There was just not enough staff for the
11 amount of residents at the living center -- or at
12 the Valley -- Golden Valley.

13 Q What do you mean there wasn't enough staff
14 for the amount of people?

15 A I was going to school full time on top of
16 working full time and that was when I was doing my
17 gen., general education classes too, and at least
18 three times a week I would have to work second shift
19 and third shift and then go to school during the
20 day.

21 Q So they weren't accommodating your school
22 schedule; is that your testimony?

23 A They -- I guess that's what I'd say. They
24 were just mandating people all the time left and
25 right.

1 Q So did you resign?

2 A Yes.

3 Q How many weeks' notice did you give?

4 A I got into the living center, so it was
5 just a one day.

6 Q What do you mean it was a one day?

7 A I told them that --

8 Q You gave them one day's notice?

9 A Yeah.

10 Q And then you start working at St. Marys?

11 A Yes.

12 Q In what position?

13 A STNA.

14 Q Did you have to interview with anyone?

15 A Lorraine.

16 Q Why were you hesitant?

17 A I couldn't remember who did --

18 Q Well, Lorraine was the administrator?

19 A Yes.

20 Q Did you interview with anyone else?

21 A I think Jane, but I could be wrong.

22 Q Do you think you interviewed with someone
23 on the clinical side?

24 A On the clinical --

25 Q I mean, isn't Lorraine the administrator?

1 A Yes.

2 Q Okay. You don't consider her being on the
3 administrative side, and there's an administrative
4 side of the facility and a clinical side? You've
5 never thought about that?

6 A No.

7 Q No? Okay. So you think you may have
8 interviewed with Jane?

9 A I may.

10 Q But you know you interviewed with
11 Lorraine?

12 A Yes.

13 Q Okay. And then after the interview,
14 apparently you got the job?

15 A Yes.

16 Q And then you went over and quit at Golden
17 Valley?

18 A I, yes, quit at the Golden Valley.

19 Q Did you go over there and quit or did you
20 just pick up the phone and say I'm quitting?

21 A I called them, and I didn't necessarily
22 quit. I told them I would go down to PRN, which was
23 as needed.

24 Q Did they ever call you?

25 A They did a few times.

1 Q Did you ever go in?

2 A I was working at the living center.

3 Q So the answer is no?

4 A Yes. It's no.

5 Q What shift did you start working at
6 St. Marys?

7 A Second shift.

8 Q What hours are second shift?

9 A 3:00 p.m. to 11:00 p.m.

10 Q Was that to work around your school
11 schedule?

12 A Yes.

13 Q Did St. Marys accommodate your school
14 schedule?

15 A Yes.

16 Q What are the patient's rights? Do you
17 know? Is there a document called patient's rights?

18 A Yes.

19 Q Okay. What are patient's rights? I mean,
20 is it like here's how patients should be treated?
21 Here's what the State says we have to do? What is
22 it?

23 A They have the right of choice to make
24 their own decisions. They have the right to see any
25 medical documents. Within a certain amount of time

1 frame, they can see them. They can change their --

2 Q Okay. I know that you're going to tell me
3 and I may ask you that, but what is the patient's
4 bill of rights? Is it -- patient's rights, is it
5 something that these are the rules that, at least,
6 in the State of Ohio apply to patients or is it
7 something each facility makes up? What is it?

8 A State, I would say. It's the State, and
9 then facilities can make their own policies.

10 Q Okay. But the patient's rights are the
11 minimum, and then the facility can add on to --

12 A Yes.

13 Q -- patient's rights?

14 A I believe so.

15 Q Okay. Well, in the patient's rights
16 portion of -- not the part that the facility can add
17 on, but the State portion, do patients have a right
18 to eat wherever they want?

19 A Yes.

20 Q And you knew that before you came to work
21 at St. Marys, correct?

22 A Yes.

23 Q And I presume the patient's rights applied
24 at Golden Valley?

25 A Can you repeat the question?

1 Q Did patient's rights apply at Golden
2 Valley?

3 A Yes.

4 Q Okay. And you were taught patient's
5 rights in your schooling?

6 A Yes.

7 Q So being familiar with patient's rights
8 wasn't something that you learned necessarily when
9 you came to St. Marys? You already knew it?

10 A In orientation, they go over it, too.

11 Q Okay. But you already knew, right?

12 A I was familiar with them, yes.

13 Q And you knew before the incident that a
14 patient had a right to eat their meals wherever they
15 wanted? In the room? Dining room?

16 A Yes. They have the right to make their
17 own choices.

18 Q Now, tell me about the -- what you recall
19 about the incident with Jane.

20 A I went -- the hall trays came out, which
21 those come out between 5:00 and 5:15, and one of the
22 residents always ate in their room and they're one
23 of the first ones. I was looking for their tray and
24 it wasn't on the cart. So I went to the kitchen and
25 I asked them what happened to the resident's tray,

1 and they told me that either it was earlier in that
2 morning or the day before that they got told per
3 Jane and Gabby that that resident was supposed to be
4 starting to go down to the dining room to eat. So I
5 said okay.

6 Q The Gabby who's the scheduler?

7 A Yes.

8 Q Same Gabby?

9 A She's assistant DON, I guess, is what her
10 title would be.

11 Q Well, you guess that's what it would be or
12 that's what it was?

13 A That's what it is and was, I guess. I'm
14 not really sure what her title is exactly, but she
15 has her own office and --

16 Q You think her title is assistant DON --

17 A Yes.

18 Q -- or you don't know?

19 A I don't know.

20 Q Okay. So who do you ask in the kitchen?

21 A Liz Miller.

22 Q Now, were you and Liz friends?

23 A Coworkers.

24 Q Well, I mean, this is the same Liz Miller
25 that's on your Facebook as your friend, right?

1 A Yes.

2 Q And the Gabby that we're talking about is
3 on your Facebook as your friend?

4 A Yes.

5 Q Correct? Okay. So you asked Liz Miller
6 and she's the one that told you Gabby and Jane said
7 this resident's place of eating was going to change?

8 A Yes.

9 Q Okay. Then what did you do?

10 A Went back to the resident's room and one
11 of her daughters were in there as well.

12 Q Okay.

13 A I don't know what her daughter's name is.
14 And I explained to her what Liz told me.

15 Q You explained to who?

16 A The resident.

17 Q Okay. I mean, what's the -- why are you
18 telling me about the daughter? I mean, is the
19 resident suffering from dementia?

20 A No.

21 Q Is the resident deaf? The resident not
22 speak?

23 A No.

24 Q So --

25 A Just --

1 Q -- the family member isn't a resident?

2 A No.

3 Q Right? Family member whose name you don't
4 even know --

5 A Uh-huh.

6 Q -- you just wanted to tell me she was in
7 the room?

8 A Yes.

9 Q Okay.

10 A Just so you --

11 Q We know it was a female -- female family
12 member?

13 A Yes. Just so --

14 Q Who you knew to be the daughter?

15 A What?

16 Q Did you know her to be the person's
17 daughter?

18 A She came in a lot, the visitor to the
19 resident.

20 Q But did you know what the relationship
21 was?

22 A The resident had mentioned something to me
23 before. A lot of the residents usually -- you know,
24 you come in to help them, this is my daughter, this
25 is my nephew, this is -- they just --

1 Q So she introduced her as her daughter?

2 A Yes.

3 Q Okay. So you go in and you talk to the
4 resident?

5 A Yes.

6 Q And you say what?

7 A I had told her what Liz told me about how
8 Liz was -- told me that she was told -- it was
9 either earlier in the day or the day before that she
10 was supposed to be going down to the dining room to
11 eat and she asked me, well, who told her that, and I
12 said she told me it was Jane and Gabby.

13 Q Okay. Do you think that that was the
14 proper thing to do? Instead of just saying I went
15 down to the kitchen and dietary said that you were
16 to eat in the dining room, and then basically you
17 just told her something that you had heard, not that
18 you had witnessed. You don't know if Gabby told
19 Liz. You don't know if Jane told Liz. You don't
20 know if together they told Liz. You don't even know
21 if they told Liz. You just know what Liz said?

22 A Yes.

23 Q Okay. So did you say that, "Liz told me"?

24 A Yes, I did.

25 Q Okay. I mean, I'm just asking you if you

1 think that was the professional way to handle that?

2 A Yes, I do.

3 Q Okay. Then what happens?

4 A The daughter started explaining to me that
5 she wanted to speak to Jane because she had been
6 trying to reach her for the past week and left her
7 voice mails and she never got back with her and
8 asked me if Jane was there, and I told her I knew
9 she was earlier and I could check for her. And she
10 said, well, if she is, can you please tell her that
11 I would like to speak to her.

12 Q Okay. Well, do you know, other than the
13 person telling you, that the person had left any
14 messages for Jane?

15 A No.

16 Q You just know what she told you?

17 A Yes.

18 Q And you're telling us that?

19 A Yes.

20 Q Okay. So did the patient say I don't -- I
21 want to eat in my room?

22 A Yes, she did.

23 Q Okay. So did you then go and get the
24 tray?

25 A Yes.

1 Q Okay. Did you immediately go and get the
2 tray?

3 A I went and got the tray and brought it
4 back to her, and her daughter also said she had some
5 meatloaf she brought in that she would like heated
6 up because her mother did not really care for what
7 was on the meal tray.

8 Q So before you go down to the meal tray,
9 does she say I have this meatloaf I want heated up?

10 A No.

11 Q It's after you come back with the meal
12 tray?

13 A Yes.

14 Q Okay. Well, did anything happen between
15 the time you leave the room and the time you go get
16 the meal tray?

17 A Not to my knowledge, no.

18 Q Okay. So you bring back the meal tray to
19 the room?

20 A Yes.

21 Q And then the daughter said can you heat up
22 some meatloaf?

23 A Yes.

24 Q Then what happens?

25 A I went down to go heat up the meatloaf,

1 and Jane was standing there in the hallway and I
2 explained to her about what Liz told me and I told
3 her that the resident did not want to go down to the
4 dining room and that I went and got them a tray and
5 I was heating up some meatloaf for them.

6 Q No. Let's stop. You see Liz and does she
7 say -- I mean, you see Jane. Does she say come over
8 here and give me an explanation as to what you're
9 doing, or you just felt you needed to go over and
10 talk?

11 A I went over and told her, because the
12 daughter requested to talk to her, too.

13 Q Okay. But the daughter requested to talk
14 to her?

15 A Uh-huh. Yes, she did.

16 Q Does Jane pass out trays for people to
17 eat?

18 A She will help. She was helping -- she'll
19 help out at times if she's still there during
20 supper.

21 Q Did you need help heating up meatloaf?

22 A No.

23 Q Okay. So you tell Jane, daughter wants to
24 talk to you, and then you explained all this other
25 stuff to Jane about how Liz told you that Jane said

1 not eat in the room, and that you went and got a
2 patient's tray and brought it back to the room? Did
3 you go through that whole scenario?

4 A I don't remember. I'm assuming I did.

5 Q I mean, 'cause it seems like the only
6 thing you needed to do was tell Jane the daughter
7 wants to talk to you. What was the purpose in
8 explaining all of those other things?

9 A Because the resident wasn't very happy
10 with me being told that she was supposed to be going
11 down to the dining room and she wanted to get down
12 to the bottom of it, to the reasoning behind it.

13 Q The only reason the resident even knew
14 that information is because you went and told the
15 resident, right?

16 A Yes.

17 Q When you were handling it in this
18 professional manner, right?

19 A Yes.

20 Q Okay. Then you have the -- do you have
21 the meatloaf like in a baggie or in a --

22 A It was in a --

23 Q -- plastic container?

24 A Yes, plastic container.

25 Q So you're walking down to go heat up the

1 meatloaf and you tell Jane the daughter wants to
2 talk to you?

3 A Yes.

4 Q And by the way, you explained all the --
5 everything that happened by where allegedly kitchen
6 was told that the patient was going to eat in the
7 dining room, and you had to go and talk to the
8 patient, then you had to bring the patient the food
9 tray?

10 A Yes.

11 Q Right? Okay. Then what happens?

12 A I went and heated up the meatloaf.

13 Q Okay. So no -- what did Jane say when
14 you're telling her all this stuff?

15 A That she would go down and talk to them in
16 a minute.

17 Q Okay. Did Jane say that she was the one
18 that told Liz or anyone else that the patient was
19 going to be eating in the dining room?

20 A She told me later on after heating --

21 Q No. I'm talking about at that moment when
22 you're explaining --

23 A I don't remember.

24 Q -- this whole situation?

25 A I don't remember.

1 Q Okay. So now you go and heat up the
2 meatloaf. Did you need help heating the meatloaf up
3 by anyone in the kitchen or could you do it
4 yourself?

5 A I could do it myself.

6 Q Did you do it in a microwave?

7 A Yes, in the break room.

8 Q Didn't need help?

9 A There's a microwave in the break room.

10 Q So you didn't take it down to the kitchen?

11 You used the microwave in the break room?

12 A Yes.

13 Q You knew how to use that microwave?

14 A Yes.

15 Q Okay. So what did you do, heat up the
16 meat for a minute or two?

17 A Forty-five seconds, thirty, forty-five
18 seconds. Gets really hot.

19 Q And then was it properly hot?

20 A Yeah.

21 Q Then what did you do?

22 A Started taking it back and Jane told me to
23 go -- well, I don't know if Jane was already -- I
24 can't remember fully if Jane was already in the room
25 talking to them when I brought the meatloaf back and

1 into the room or she showed up after I took it in.

2 Q Well, which happened first?

3 A I can't remember.

4 Q Was Jane in there talking to the patient
5 and the daughter or did that happen after you
6 brought the meatloaf in?

7 A I can't remember. I'm sorry.

8 Q Okay. Then what happens?

9 A A residents -- the resident, their
10 daughter, and Jane were talking and then Jane -- I
11 walked out of the room and Jane pinned me up against
12 the wall.

13 Q All right. Well, let's slow down there.
14 First, at some point you drop off the meatloaf, I
15 take it?

16 A Yes.

17 Q I mean, your only job is to heat up the
18 meatloaf and bring it back, right?

19 A Yes. Yes.

20 Q And then you left the room?

21 A And she followed me.

22 Q And Jane followed you?

23 A Yes.

24 Q Did she say anything?

25 A She asked me why I would listen to what

1 kitchen --

2 Q No. Before this alleged pinning, did she
3 say, hey, slow down, I want to talk to you? I mean,
4 you're 22, 21 at that point. She's in her 60's. I
5 mean are you briskly walking away and she's trying
6 to get your attention? What's happening?

7 A She did say she wanted to talk to me.

8 Q Okay. To your back?

9 A While I was walking away.

10 Q Okay.

11 A And I can't remember, I might not have
12 heard her. I'm not the best at hearing sometimes.
13 But I don't remember if she asked me once or -- and
14 then she raised her voice and, hey, I need to talk
15 to you.

16 Q Well, she might have had to raise her
17 voice "hey" because you didn't hear --

18 A Yeah.

19 Q -- her the first time, right?

20 A I agree.

21 Q Okay.

22 A But then she pinned me up against the
23 wall.

24 Q Okay. How did that happen? Like describe
25 it for the record.

1 A I turned around to talk to her and she
2 asked me, not in a very calm manner, it was in an
3 aggressive -- in an irritated, mad, angry tone.

4 Q Okay. What's an irritated, mad, angry
5 tone sound like?

6 A Raised voice, being just the way that
7 they -- like the way that she looked.

8 Q Okay. What did she look like?

9 A Red in the face.

10 Q Okay. So she was red in the face --

11 A Yes.

12 Q -- according to you. So you know that's
13 from your capillaries expanding, correct?

14 A Yes.

15 Q Okay. What else did you observe?

16 A Seemed shaky.

17 Q Okay.

18 A So maybe irritable, I should add into
19 that.

20 Q Oh, irritable?

21 A Yeah.

22 Q Okay. Were you facing her at this point?

23 Are you talking were you already pinned?

24 A This was before.

25 Q Okay. Before pinning?

1 A Yes.

2 Q Okay.

3 A And she asked me why I would -- why I told
4 her that she was supposed to be down in the dining
5 room, and I tried explaining, but she didn't want to
6 hear me out and it just seemed like she started
7 getting madder and madder. And so --

8 Q That was the only question she asked you?

9 She didn't say why did you tell the patient and the
10 daughter that I'm the one that said she wasn't going
11 to eat in her room, she was to eat in the dining
12 room?

13 A I don't remember.

14 Q You think the only question she asked you
15 was related to the patient in the dining room, but
16 not the fact that you had told the patient and the
17 daughter that it was her decision?

18 A I don't remember. I don't know.

19 Q Okay. Then what happens?

20 A She was getting more and more angry.

21 Q How long is it -- give us the time frame
22 at this point? Because we're going to call this
23 pre-pinning.

24 A Maybe 30 seconds to a minute. I don't
25 remember to be honest. I didn't keep an exact

1 count. So she was getting mad and madder and didn't
2 want to listen to a thing I had to say.

3 Q What was your demeanor? I mean, you've
4 described her demeanor. What was your demeanor? I
5 mean, were you just calm and collected and trying to
6 explain to her rationally?

7 A Yes.

8 Q Do you think that's what the witnesses
9 have said?

10 A I have no idea.

11 Q Okay. So you would describe yourself as
12 being calm?

13 A Yes.

14 Q Were you crying?

15 A I was at the point of almost crying.

16 Q Do you cry easily?

17 A Not really.

18 Q Well, I mean you cried at like a half an
19 hour into the deposition?

20 A It's -- that's the first time since my
21 great-grandfather passed away a year ago that I've
22 cried.

23 Q Okay. 'Cause it looks like you're about
24 to cry right now. Are you upset? Want to take a
25 break?

1 A I have anxiety issues, so just -- yeah.

2 Q Okay. Want to take a break?

3 A Yes, please.

4 Q Okay. Sure. Want something to drink?

5 A I want a cigarette.

6 Q Well, I can't give you that because I
7 don't smoke, but I can give you water.

8 A I'll take water.

9 (Whereupon, a recess was taken at
10 11:33 a.m. and resumed at 11:56 a.m.)

11 BY MR. FRANKLIN:

12 Q Do you remember in 2013 getting a ticket
13 by the Ohio Highway Patrol?

14 A I've gotten two tickets by the Ohio -- or
15 State Highway Patrol.

16 Q Okay.

17 A But I don't remember when the dates were.

18 Q Do you remember getting one on State Route
19 33?

20 A Yes.

21 Q Do you remember that you were going 58 in
22 a 45?

23 A I believe that's what it was.

24 Q Do you remember you pled guilty?

25 A I just paid the fine the next day --

1 Q Okay.

2 A -- or a couple days later.

3 Q Now, do you -- having me give you that
4 information, does that help prompt your recollection
5 to the fact that you got the ticket on the 19th?

6 A No. It's -- days kind of just mix
7 together. I couldn't even -- I'm horrible when it
8 comes to the dates to be honest.

9 Q Okay. The one that you got from the
10 highway patrol that you paid two or three days
11 later, do you remember if you were going to school
12 or coming back from school?

13 A I was going to school.

14 Q So what time is going to school? What
15 would that signify? What time did school start?

16 A I think that semester, my class started at
17 8:00 a.m.

18 Q And then you started work at 3:30? Is
19 that what time second shift started at St. Marys?

20 A It starts at 3:00 and they were really
21 good with working with me if I had classes that were
22 up until like 3:00, 3:30 -- or 3:00 or 3:50.

23 Q Okay.

24 A They would let me come in at whenever I
25 could get back into town. I couldn't really tell

1 you what time.

2 Q Now, going back to the day of the
3 incident, would you agree with me that the date was
4 April 19th, 2013?

5 A Yes.

6 Q Okay. And you know that to be on a
7 Friday?

8 A I don't know, but that sounds right.

9 Q Well, my question is did you have school
10 on Friday --

11 A Yes.

12 Q -- at that point? Now, when Jane is
13 talking to you and you described her demeanor and
14 you gave an indication that your demeanor was
15 professional, what was she saying to you? What were
16 you saying back, if anything?

17 A I just kept trying to explain that Liz was
18 the one that told me that Jane and Gabby were the
19 ones that said that to her, and I was trying to
20 explain that I was just telling them what I was
21 told, like the resident -- sorry, let me clarify
22 that. The resident and then her daughter was in the
23 room.

24 Q Well, did she -- did Jane say to you
25 before you tell a patient that I said that to Liz or

1 Gabby said that to Liz, come to me and ask me?

2 A I don't remember honestly.

3 Q Because wouldn't a change in where
4 someone's eating if they didn't want that change be
5 a violation of the patient's rights?

6 A Yes.

7 Q Okay. So what -- it seems to me if, I'm
8 in the position, you had just told a patient and the
9 daughter that I, as the DON, had committed a
10 violation of the patient's rights and that you
11 provided that information without ever checking with
12 either Jane or Gabby?

13 A I told them that the kitchen is the one
14 that told me that.

15 Q Okay. But you said the kitchen told me
16 that Jane and Gabby told them to make the change,
17 correct? You didn't just say the kitchen?

18 A Yes.

19 Q Now, given that Gabby is apparently on
20 your Facebook, couldn't you have quickly contacted
21 her to see if there was any truth to what Liz was
22 telling you?

23 A You're not supposed to use your phones
24 while you're at work unless you're on a break.

25 Q Okay. But given that this would have been

1 for a work purpose, you wouldn't have gotten in any
2 type of trouble, would you?

3 A Probably. I'm not really sure because
4 you're not supposed to have your phones on you.

5 Q Yeah. Why didn't you just go ask Jane
6 then?

7 A We were busy, rushing around. All the
8 residents needed to go down to the dining room yet
9 and I didn't --

10 Q Well, you think it was appropriate to tell
11 a patient and their daughter that Jane had what
12 amounted to violated the patient's rights because
13 you were too busy?

14 A I told the patient and her daughter that
15 the kitchen told me that, and I told them that I
16 wasn't sure about what was going on but I could find
17 out.

18 Q That's exactly, I guess, my point. You
19 weren't sure about what was going on, then why would
20 you tell the patient and the daughter that Jane and
21 Gabby had made the decision?

22 A Because I was just doing what I was told,
23 and they asked me, well, who said that and I said
24 supposedly Jane and Gabby.

25 Q Okay. What's the daughter's name?

1 A I don't know.

2 Q What's the -- what was the resident's
3 name?

4 A Naomi **REDACTED**

5 Q Is she still there?

6 A Yes.

7 Q Is this someone you talk to on --

8 A No.

9 Q -- a regular basis?

10 A No.

11 Q I mean, you don't try to influence the
12 patient's memory, do you?

13 A No.

14 Q By the way, have you sense asked Gabby if
15 she had told Liz that the resident would be eating
16 in the dining room and not in their room?

17 A I don't really fully understand your
18 question. Like are you asking like since the
19 incident happened --

20 Q Yeah.

21 A -- or --

22 Q Since the 19th as we -- since April 19th,
23 2013, until today, have you asked Gabby if she was
24 the one that told Liz to make the change in location
25 as to where the resident would eat?

1 A I don't remember, to be honest.

2 Q Because Gabby was the Gabby who's your
3 friend on Facebook, right?

4 A Yes.

5 Q And in reality, you were accusing your
6 friend on Facebook, Gabby, of also violating the
7 patient's rights, correct?

8 MR. GARRISON: Objection to form.

9 A I guess you could say that, yeah.

10 Q So having said that, I would question --
11 my question is simply since April 13th, 2013, until
12 today, have you done anything to verify whether
13 Gabby had violated that patient's rights by saying
14 the patient wants to change locations?

15 A Like what exactly do you mean?

16 Q Simply ask Gabby, did you say something to
17 Liz about changing Naomi's location to eat from her
18 room to the dining room?

19 A I may have, but I don't remember.

20 Q Okay. Well, when you say that under oath,
21 are you saying that it may have happened, you don't
22 have present day recollection, or you know for a
23 fact you did that?

24 A That I don't recollect.

25 Q Okay.

1 A No recollection.

2 Q Well, did you take any notes of any
3 conversations you've had with Gabby related to
4 patient's rights?

5 A No.

6 Q Did the two of you talk on Facebook
7 about --

8 A No.

9 Q -- what you had accused her of to both
10 Naomi and Naomi's daughter?

11 A No.

12 MR. GARRISON: Objection to form.

13 Q So how long is it in the conversation
14 until you claim Jane pinned you against the wall?

15 A A minute.

16 Q Okay. How did she do that?

17 A She had her left hand grasping my right
18 shoulder and was shaking her right hand in my face
19 like that.

20 Q Okay.

21 A Within her own face being four to
22 six inches away from mine.

23 Q Okay. And are you still remaining calm?

24 A I'm trying my best not to break down and
25 cry.

1 Q Okay. So you weren't crying --

2 A No.

3 Q -- at that point? Were you yelling?

4 A No.

5 Q Did you have your voice raised in any way?

6 A Not that I remember.

7 Q Did you come at her first?

8 A No.

9 Q Okay. How far were you away from the wall
10 when Jane allegedly pinned you to the wall?

11 A I don't know honestly.

12 Q Well, I mean, were you a foot away and she
13 threw you back one foot --

14 A No.

15 Q -- or were you two inches away and she --

16 A I was closer to it. It wouldn't have been
17 like being thrown.

18 Q Okay. Well, for the record, as best you
19 can describe, how many inches or centimeters,
20 whatever measurement you want to use, were you from
21 the wall before she allegedly pinned you to the
22 wall?

23 A Four to five inches I'd say.

24 Q Okay. And I typically would never ask a
25 woman this, but are you relatively the same size

1 today as you were in April of '13?

2 A I've gained weight, so probably 25 pounds
3 less than.

4 Q You weighed 25 pounds less in April of '13
5 than you do today?

6 A (Witness nodded.)

7 Q Do you see a family practice doctor on a
8 regular basis?

9 A Like are you talking about a family
10 doctor?

11 Q Well, someone that -- a health care
12 provider that may have weighed you at that time and
13 then weighed you at a separate time so we could
14 verify this 25-pound weight gain.

15 A I see a family doctor, but I don't know
16 how recently I would have been in 2013.

17 Q Well, since April of '13, how often have
18 you sought medical treatment?

19 A I've had some medical issues so --

20 Q Okay.

21 A -- quite frequently.

22 Q Okay. So what -- which doctor?

23 A My family doctor is Dr. Luedke.

24 Q Dr. who?

25 A Luedke.

1 Q Where's he at?

2 A New Bremen. In New Bremen, Ohio, I think.

3 Q How long has he been your family doctor?

4 A I've been in that facility since I was, I
5 think, two or three when my mom and dad moved back
6 from North Dakota.

7 Q Okay. Well, how long has Dr. Luedeke been
8 your primary care physician?

9 A When I was -- I think when I was in sixth
10 or seventh grade is when I switched from Staple to
11 him.

12 Q Okay. Is he the one that you've been
13 treating with with these medical problems over the
14 last couple years?

15 A Not all of them.

16 Q Who are the other doctors?

17 A I have Dr. Jacobs. That's a specialist.

18 Q And where's he located?

19 A He has in Lima and in Celina. He's
20 through like St. Rita's, I think, is the primary --

21 Q Okay. Do you treat with anyone else since
22 April of '13?

23 A I went and seen a stomach specialist.

24 Q Who was the doctor?

25 A I can't remember his name to be honest.

1 Q Where was he located?

2 A In St. Marys.

3 Q Okay. But is he tied to a particular
4 facility or group?

5 A Just he's through Grand Lake Health
6 Systems, I think.

7 Q Do you know what type of doctor he is? Is
8 he a gastroenterologist?

9 A Yes, that's what he is.

10 Q Okay. Anyone else that you've treated
11 with for medical -- for any type of medical
12 condition since April of '13?

13 A My yearly female, you know, gynecologist.

14 Q Okay. Anyone else?

15 A Not that I can remember honestly, no.

16 Q Have you sought any type of mental health
17 treatment?

18 A No.

19 Q Your gynecologist, did she have occasion
20 to weigh you during the time period from April of
21 2013 until the current date?

22 A He does require every year weight.

23 Q Okay. Who is that?

24 A Dr. Mitchell.

25 Q Where is he located?

1 A St. Marys.

2 Q Is he affiliated with a particular
3 practice?

4 A I think the Grand Lake Health Systems,
5 too.

6 Q When Jane has allegedly pinned you against
7 the wall this first time, did you look around to see
8 who was there?

9 A I didn't look around.

10 Q Okay.

11 A But I do know that during that time, Ciara
12 tried coming up and then she just backed away with
13 her hands up.

14 Q How do you know that?

15 A Because she was going to -- she said my
16 name and I turned and looked and then she just,
17 whoa.

18 Q She said the word "whoa"?

19 A Had put her hands back, kind of did that
20 whoa type of demeanor, I guess.

21 Q Did she say the word "whoa"?

22 A I don't remember.

23 Q Okay. You described her as putting her
24 hands up, palms facing you?

25 A Yes.

1 Q Was she coming from your right side or
2 left side?

3 A Right side.

4 Q Okay. Did you notice anyone else during
5 the initial time she has you pinned?

6 A I didn't see them, but I heard them. It
7 was Darla Michael and I heard her say, Ciara, I need
8 your help.

9 Q So you don't know what Darla saw?

10 A Yes.

11 Q You just heard Darla?

12 A Correctly -- correct.

13 Q Okay. Did you ever ask her what she saw?

14 A No.

15 Q Okay. Anyone else?

16 A Not to my knowledge.

17 Q Is there anyone standing behind Jane so
18 you would have seen right behind Jane?

19 A Not that I've seen.

20 Q You didn't see Jill there?

21 A Not to my knowledge, I did not see her.

22 Q Do you and Jill get along? Is there any
23 animosity that you know of between you and Jill?

24 A No. I mean, we seem to get along fine.

25 Q Okay. In fact, I think you have Jill

1 listed as one of your friends on Facebook, correct?

2 A Yes.

3 Q Okay. So do you do anything to try to
4 break free from Jane's pinning you against the wall?

5 A Kind of jerked my shoulder to try to get
6 her hand off.

7 Q Well, I mean, did you grab her hand and
8 try to push it off?

9 A No, I did not.

10 Q What do you mean you kind of jerked your
11 shoulder?

12 A Like I don't really know how to describe
13 it.

14 Q You moved your shoulder?

15 A Yeah, moved it back, but not like just
16 normal speed. It was kind of --

17 Q Okay. Did that break her hold on you?

18 A Yes.

19 Q Okay. Then what did you do?

20 A Tried walking away. And she kept saying
21 get back here, I'm not done talking to you or not
22 done with you. I can't remember exactly what her
23 exact words were, and she tried grabbing me again.

24 Q She tried grabbing you again?

25 A Yeah. Like she did, and I jerked away

1 again, and I said, no, I'm done talking about this
2 and walked away.

3 Q Okay. Well, did you, while you were
4 pinned, scream out for help?

5 A No, I did not.

6 Q Did you ask your friend Ciara for help?

7 A No, I did not.

8 Q Even though you couldn't see Darla, did
9 you ask your friend Darla for help?

10 A No, I did not.

11 Q This second time that you claim Jane
12 grabbed your shoulder, was she behind you?

13 A Yes.

14 Q So what shoulder did she grab you on this
15 time?

16 A I think it was my right one again.

17 Q Okay. So you did -- was she using her
18 right hand or her left hand?

19 A I couldn't tell. I was facing forward.
20 My back was to her.

21 Q So the first time you're telling us she
22 put her left hand on your right shoulder?

23 A Yes. We were face to face.

24 Q And then the next time you claim she
25 grabbed your right shoulder but you don't know if

1 she used her right or left hand?

2 A Right.

3 Q Did she actually grasp your shoulder?

4 A Yes.

5 Q And you were able to shake and get away?

6 A Yes.

7 Q Was she running after you?

8 A I don't know.

9 Q I mean, were you walking away trying to
10 extricate yourself from the situation?

11 A Yes, I was.

12 Q And you couldn't get away from a
13 63-year-old woman?

14 A I did.

15 Q No. When she's -- you're walking away and
16 you're claiming she's following you, you couldn't
17 move fast enough to get away from her without her
18 touching you again?

19 A I'm not a very fast walker, so I guess
20 not.

21 Q Well, do you know how to sprint? Do you
22 know how to run?

23 A Yes.

24 Q Is there any medical condition that would
25 have kept you from sprinting or running?

1 A I get nauseous if I move too fast.

2 Q Okay. So you didn't want to run away
3 because you might have gotten nauseous?

4 A And thrown up.

5 Q So now you didn't want to run away because
6 you might have got nauseous and thrown up?

7 A Yes.

8 Q Well, did you get nauseous?

9 A I didn't run, so I can't really answer
10 that.

11 Q Well, the situation didn't cause you to be
12 nauseous, this alleged pinning and then grabbing
13 your shoulder again?

14 A I mean, it had me where I was really
15 shaken up and, of course, I didn't really feel too
16 good, but it shocked me as well and it just took me
17 by surprise and upset me, 'cause I just couldn't
18 believe that that just happened.

19 Q Well, were you in shock?

20 A Yeah. I was in shock.

21 Q Have you, in your nurse's training, been
22 taught what someone in shock is evidencing by way of
23 physical symptoms?

24 A Through -- there's different type of
25 shocks that we were taught.

1 Q Okay. What types of shocks were you
2 taught?

3 A Like hypovolemic. Just -- I don't know,
4 just different types of shock.

5 Q What type of shock were you in?

6 A I wouldn't really say -- I wouldn't really
7 say I was like through an actual like medical shock.
8 I was just surprised and in disbelief that that
9 happened.

10 Q Well, isn't surprise and being in shock
11 two different things?

12 A Yeah.

13 Q What were you most surprised about?

14 A Her demeanor.

15 Q Had you ever --

16 A Her --

17 Q -- seen her upset like that before?

18 A No. And her reaction.

19 Q Had you ever told a patient before that
20 Jane had violated any patient rights?

21 A Like what do you mean? I'm sorry.

22 Q Had you ever gone to a patient and made an
23 allegation that Jane had done something that would
24 have caused some type of violation to the patient
25 rights?

1 A No, other than I guess what you're saying
2 about the violating rights with telling them what
3 kitchen told me.

4 Q Well, you've admitted to me, I thought,
5 earlier that within the patient's rights is a
6 provision that the patient can eat wherever they
7 want, right?

8 A Yes.

9 Q So if the patient wanted to eat in the
10 room, they could eat in the room?

11 A Yes.

12 Q And if they wanted to eat in the dining
13 room, they could eat in the dining room?

14 A Yes.

15 Q And if someone -- if a patient wanted to
16 eat in the dining room -- or in a room and they were
17 being forced to eat in the dining room, that would
18 be a violation of the patient's rights, correct?

19 A Yes. There are some guidelines as long as
20 it's not a health issue where they're not eating or
21 if they need help to eat, then it's -- or so they go
22 to, I guess, the power of attorney, I guess is who
23 they would talked to. I'm not really sure how that
24 works.

25 Q Well, I understand there's exceptions like

1 if a Martian comes down or something, but this
2 patient didn't have any of those exceptions, did
3 they?

4 A Correct.

5 Q So after this confrontation with Jane,
6 what did you do?

7 A I finished -- it's so long ago. I went
8 back towards the nurse's station to --

9 Q Which nurse's station?

10 A It would be the 300 Hall nurse's station
11 to get the hall trays and try to cool down and
12 recollect myself.

13 Q What do you mean you were trying to cool
14 down? I thought you weren't angry?

15 A Like I wasn't angry. It's just like to --
16 when I get nervous, just kind of like -- not really
17 nervous, but where I get shoooken up. I just kind of
18 need to take a break and whenever I get -- I don't
19 really know how to explain it. I'm sorry.

20 Q Well, when you're pulled over by the Ohio
21 Highway Patrol for going too fast, does that cause
22 you to be anxious and nervous?

23 A I was calm about it.

24 Q Okay. So you remember now the time that
25 you got pulled over in April of 2013?

1 A I guess that could be the date. I don't
2 really remember what the date was, but I know I was
3 pulled over.

4 Q And you weren't nervous, you were just
5 calm about it?

6 A Yes.

7 Q Is that because it's happened -- you've
8 been pulled over so many times or you just didn't
9 care?

10 A I mean, obviously I care, but I've grown
11 up with my dad being in the law enforcement. I've
12 done ride-alongs on the south end of Lima, which
13 isn't a very good area, so I'm not scared of cops.
14 I know they're just doing their job.

15 Q Okay.

16 A And they're doing what they need to be,
17 and if you're respectful to them, they're going to
18 be respectful back.

19 Q But you weren't anxious about getting a
20 ticket that was going to cost you money?

21 A No.

22 Q Why, was somebody else going to pay it for
23 you?

24 A No.

25 Q So getting pulled over by the Ohio Highway

1 Patrol and getting a ticket that cost you money
2 didn't make you nervous, but getting -- having this
3 confrontation with a 63-year-old woman did?

4 A Yes.

5 Q Okay. So now you're going back to the 300
6 Station to try to cool down?

7 A Try to recollect myself.

8 Q Okay.

9 A I'll take back the cool down. Just --
10 sorry.

11 Q What did you do?

12 A Took deep breaths, tried not to cry.

13 Q Well, did you cry?

14 A I had a few tears, but I didn't like
15 full-down break-down cry.

16 Q Okay. Then what happens? You talk to
17 anyone?

18 A I can't remember which -- it was either
19 the other nurse or it was June McKee that I tried
20 talking to about it.

21 Q Who's the other nurse?

22 A I can't remember who it was that was
23 working that day. I'm sorry.

24 Q Okay. Well, did Jill talk to you?

25 A She -- I tried talking to her and she just

1 kept telling me, oh, she's just having a bad day,
2 just let it go. Don't worry about it.

3 Q Okay.

4 A And then I tried going to the other nurse
5 and be like what do I do about this. Because I felt
6 really violated. And I'm not very tall compared to
7 other people, I guess, so it just was definitely
8 very embarrassing and not professional, because it
9 was done in the middle of a hallway instead of being
10 taken into an office to talk about it.

11 Q I think my question is what did you do.
12 Not asking you about your emotional demeanor. What
13 did you do? Who did you talk to, if anyone? Not
14 who did you try to talk to. Who did you talk to?

15 A I can't remember. I know when the
16 third-shift nurse, which I can't remember her name,
17 I did discuss to her about it.

18 Q What time does the third-shift nurse get
19 there?

20 A 11:00.

21 Q Okay. Well, this incident happened around
22 dinnertime?

23 A Yes.

24 Q And dinnertime would be around 5:00, 5:30?

25 A 5:30, yes.

1 Q Okay. So what did you do between 5:30 and
2 the time that you talk to the third-shift nurse?

3 A My job.

4 Q Okay.

5 A I was working.

6 Q You went back and performed your job
7 duties?

8 A Yes.

9 Q Did you perform them correctly?

10 A Yes.

11 Q Okay. Did you share with any patients
12 what happened to you?

13 A No.

14 Q Did you share with any of the patients'
15 visitors what happened to you?

16 A No.

17 Q Did you share with any of the patients'
18 family what happened to you?

19 A I do know that later on, I went into
20 Naomi's room again and her and her daughter were
21 rambling on about how they thought Jane was
22 unprofessional and they couldn't believe how they
23 heard her talking to me, because they were in the
24 room.

25 Q I don't understand what "rambling on"

1 means. They were rambling on. What does that mean?

2 A Talking in -- I didn't really necessarily
3 hear everything that they were saying.

4 Q Okay. Were you there to just do a job?
5 What were you supposed to do in Naomi's room that
6 time that you went in?

7 A I can't remember.

8 Q Well, surely you had a task to perform?

9 A I really can't remember. I'm sorry.

10 Q I mean, did you just go in the room so you
11 could commiserate with them as to what your boss had
12 said to you?

13 A No.

14 Q Okay. Well, how long is it between the
15 time you have this alleged confrontation with Jane
16 and the time you go in and hear Naomi and her
17 daughter rambling on?

18 A Not much time.

19 Q Okay. Well, like half an hour? An hour?
20 Two hours?

21 A Not that long. Maybe 15 minutes.

22 Q Okay.

23 A Ten minutes.

24 Q What were you supposed to be doing? I
25 mean, what does an STNA do, let's say, after trays

1 are passed?

2 A You take care -- as an STNA, you take care
3 of residents or patients or clients, everyday
4 activity, like if they need range of motion, you
5 help them move. You help clean them up.

6 Q What do you mean you help clean them up?

7 A Like shower.

8 Q You help give them a shower?

9 A Bathe.

10 Q Bathe?

11 A Yeah. If they have incontinent --
12 Depends, you change them.

13 Q Okay.

14 A You turn the residents. You assist them
15 with ambulation to go to and from the bathroom or
16 wherever they want to go.

17 Q What else?

18 A You help feed residents if they need help
19 eating.

20 Q How many residents is an STNA on that
21 particular -- on second shift did you have
22 responsibilities for?

23 A There's two -- well, there's three halls
24 in the facility and there's one aide responsible for
25 assisted living, and then you have two aides per

1 each hall, the 200 and 300, and I can't -- I can't
2 really tell you what the numbers are because I don't
3 know for beds, but it's usually between -- sorry,
4 between 12 and 15 I would say.

5 Q Twelve and fifteen patients?

6 A Yeah.

7 Q Okay. So after you go down to the nurse's
8 facility and apparently no one wants to talk to you
9 about it, do you go and perform any of these tasks
10 for any of these patients or do you go back to
11 Naomi's room to listen to what her and her daughter
12 are rambling on about?

13 A I can't remember honestly. I don't
14 remember.

15 Q Well, instead of going to hear what they
16 were rambling on about, wouldn't you have showered
17 patients and changed their diapers if need be and
18 turned them over and taken them to the bathroom?

19 A Well, yes, but I just can't remember. I'm
20 sorry. It was so long ago.

21 Q Well, did you ask for someone to come in
22 and cover your responsibilities while you --

23 A I did tell them --

24 Q -- gathered yourself?

25 A I did tell them that I needed some time.

1 Q Okay. Who did you tell that to?

2 A I think it was June McKee.

3 Q June McKee?

4 A Yeah.

5 Q What's her position?

6 A She no longer works there.

7 Q Okay.

8 A But she was --

9 Q When she was there, what was her position?

10 A STNA.

11 Q Okay. Well, does she have any management
12 authority where she could have said, you know, go
13 home and we'll bring somebody else in?

14 A No, but somebody that can cover you to
15 take a break.

16 Q Okay. Well, did June cover you to take a
17 break?

18 A Yes.

19 Q Okay. Well, when you cover to take a
20 break, do you have to note that anywhere?

21 A No.

22 Q Okay. So what time do you claim June
23 covered you to take a break?

24 A I don't remember. I don't know.

25 Q Did you take your break in Naomi's room so

1 you could hear what she and her daughter were
2 rambling on about?

3 A No.

4 Q Where did you take your break?

5 A Out in my car, smoke a cigarette.

6 Q Okay. Okay. Well, the rest of the night
7 did you perform any of your job duties?

8 A Yes.

9 Q I mean, you weren't neglecting the
10 patients, were you?

11 A No.

12 Q So do you report the incident with Jane to
13 anyone in management?

14 A I wrote out a statement form and put it
15 underneath Lorraine's door and I also sent her a
16 text and told her --

17 Q So you're allowed to use your phone for
18 text, you just can't call people?

19 A I was off the clock.

20 Q Oh, so this happened at 11:00?

21 A Yes.

22 Q Okay.

23 A When I --

24 Q So what time off work -- did you get off
25 that night?

1 A I believe it was 11:00. I -- that night,
2 I know -- I'm pretty sure I left there after
3 midnight.

4 Q Okay.

5 A But I was off the clock when I was filling
6 out the statement form.

7 Q Okay. So between 5:00 and 11:00, did you
8 tell anyone in management about this alleged
9 incident?

10 A I tried talking to the nurses.

11 Q What do you mean you tried talking? They
12 turned their back and walked away from you?

13 A Jill kept telling me that Jane was just
14 having a bad day, just to ignore it, don't worry
15 about it. And then the other nurse, I can't even
16 remember who it was working, and they just sometimes
17 don't even seem to care to listen to what you have
18 to say. That's just in general.

19 Q Well, did you ever say to anyone that
20 night that you were tired of being treated like a
21 slave?

22 A I don't remember.

23 Q Well, at -- do you know how slaves are
24 treated? I mean, do you have some understanding if
25 you use the word slave what you meant?

1 A Where you do everything for somebody else
2 and they have all power over you.

3 Q Did you think you were a slave there?

4 A What do you mean? I'm sorry. When?

5 Q Well, back in April of 2013, did you feel
6 like a slave at St. Marys?

7 A I wouldn't say that. I can't really
8 remember what my thought or thinking process would
9 have been at that time.

10 Q Well, if someone claims that they heard
11 you refer to yourself as a slave, would that person
12 be lying?

13 A I don't know, because I don't remember
14 what I said.

15 Q Well, is that something you would say?

16 A It -- I don't know. I really don't know.
17 I don't know what my thinking process was then. I
18 can't remember to be honest.

19 Q Okay. You can't remember what your
20 thinking process was at the time?

21 A Right. I can't tell you what my emotions
22 are and I couldn't tell you.

23 Q Did you ever say to anyone that there was
24 a good chance you weren't going to come back on
25 Monday?

1 A I may have.

2 Q Okay. Who did you say -- who do you think
3 you said that to?

4 A Possibly Jill. I don't know.

5 Q Okay.

6 A I don't remember.

7 Q Well, was Jill someone that you tried to
8 talk to about the situation?

9 A Yes.

10 Q Did you tell Jill that you thought you
11 were being treated like a slave?

12 A I don't remember.

13 Q So you wrote out a statement; is that
14 fair?

15 A Yes.

16 Q Where did you get the form?

17 A In the filing cabinets. They have forms,
18 statement forms.

19 Q Had you written out statements before?

20 A Yes.

21 Q Okay.

22 A When it's incidents with residents.

23 Q Okay. And then after you wrote the
24 incident report, you put it under --

25 A Lorraine's --

1 Q -- Lorraine's door?

2 A -- door.

3 Q Okay. And then you text Lorraine?

4 A Yes. And told her that I needed to talk
5 to her as soon as she was available.

6 Q In the text, that's what you wrote?

7 A Yes. I'm pretty sure, or something around
8 about like that. I just know that I told her I
9 needed to talk to her when she had the time.

10 Q I'm interested in whether you did that
11 before you left the facility or after you left the
12 facility?

13 A Before.

14 Q Okay. Did you ever call her at like
15 3:00 in the morning?

16 A I don't remember. I don't think I did.

17 Q Did you ever call her and hang up on her?

18 A No.

19 Q Okay. After you text her the text, did
20 you then leave?

21 A Yes.

22 Q Okay. So you sent the text from the
23 facility?

24 A Yes.

25 Q Okay. And then you left and went where?

1 A Home.

2 Q Okay. What happened at home? Did you
3 wake up your parents? Were they already awake?

4 A I don't remember. My stepdad works long
5 hours. My mom sleeps a lot. I couldn't really tell
6 you.

7 Q Okay.

8 A I know I don't bother with them, I can
9 tell you that.

10 Q I know I don't bother with them, I just
11 live in their house?

12 A Yeah, basically.

13 Q Okay.

14 A I mean, I talk to them when I see them,
15 but it's just schedules don't work together.

16 Q Okay. But do you recall confiding in them
17 that night when you got home about this alleged
18 incident?

19 A I called my dad and talked to him.

20 Q Okay. Well, let's start with your
21 stepparent. Let's start with the stepdad and mom
22 whose house you live in. Did you talk to them that
23 night?

24 A No.

25 Q You then called your dad?

1 A Yes.

2 Q Was he at work or was he at home?

3 A I don't know.

4 Q Did you call his cell phone?

5 A Yes.

6 Q Okay. What did you tell him?

7 A I explained what happened and I asked him
8 what a situation like that would be done with, like
9 what would you do with a situation like that, and he
10 told me you can go to the police station and file a
11 report. That's up to you. He's, like, but make
12 sure you told your administrator, and he's like
13 sounds like you have that under control. He's
14 like -- he's like, and then they'll do what they
15 need to do, whichever -- whatever that means.

16 Q Who, the administrator or the police
17 department?

18 A As in the -- for the company.

19 Q Okay. Well, he tells you that you can go
20 to the police?

21 A Yes.

22 Q And file a report?

23 A Yes.

24 Q Why didn't you do that?

25 A Because I've never had an issue with Jane

1 before that.

2 Q I know, but you seem to be so upset about
3 this incident, why not? If you had had another --
4 prior incident with her, you would have gone to the
5 police; is that what you speculate?

6 MR. GARRISON: Objection. Calls for
7 speculation.

8 A I guess.

9 Q I mean, did you tell your dad I don't want
10 to go to the police because I haven't had a prior
11 incident with Jane?

12 A I never said that, but I just didn't want
13 to -- I wanted to let the company try to handle
14 things before involving the police because I didn't
15 want to feel like actions like that -- I felt like
16 it wasn't Jane. Does that make sense? Like when
17 that happened, like it wasn't her.

18 Q Okay.

19 A Like her normal self. So I didn't want to
20 like press charges against her, especially when I
21 had no problems with her, and I truly genuinely did
22 like her as a person.

23 Q Okay. So is it possible she was just
24 having a bad day like Jill told you?

25 A It could have been, yeah.

1 Q But you still wanted your administrator to
2 know what happened, right?

3 A Yes.

4 Q And, in fact, you told your administrator
5 if it wasn't handled internally, you would seek
6 outside intervention?

7 A Yes.

8 Q Correct?

9 A Yes.

10 Q So unless they did something, you were
11 going to go to the police?

12 A Yes.

13 Q What about all the things you just told us
14 about it's not like Jane, I never had a problem with
15 Jane, but if the company didn't do what you wanted
16 them to do and handle it, you were going to seek
17 outside intervention, right?

18 A The only reason why I would have done that
19 is for the residents' safety. Because if she was
20 able to do that to me, who's to say she couldn't do
21 that to a resident or another person.

22 Q Well, another person, someone out on the
23 street?

24 A Like a visitor.

25 Q You're protecting society now?

1 A No, a visitor coming in in the facility.

2 Q Okay. Well, do you have one piece of
3 evidence that she's ever done what you claim she did
4 to you, pinned you, to a resident?

5 A No.

6 Q Because if you did, you would have
7 reported it to the Ohio Board of Nursing, correct?

8 A Yes.

9 Q Because you have an obligation to do that?

10 A Yes.

11 Q Correct?

12 A Yes.

13 Q Now, has she ever pinned, as you would
14 say, any visitor to the facility?

15 A Not that I'm aware of.

16 Q I mean, are these things just going
17 through your head that if she did it to me, she
18 could do it to a resident?

19 A I guess. That's what you -- I mean,
20 there's a lot of thinking I was doing.

21 Q When you were in school, high school, did
22 you go to regular classes?

23 A Yes.

24 Q Where did you just get a job?

25 A Through Divine.

1 Q Through Divine?

2 A Yeah.

3 Q But who do you work for? Where did they
4 place you?

5 A Different clients' houses. It's in home,
6 in their home care.

7 Q How long are you typically at a house?

8 A Two to three hours.

9 Q After you called your dad, did you call
10 any of your coworkers?

11 A No.

12 Q Did you have a boyfriend then that you
13 talked to?

14 A No. I was single at the time.

15 Q Okay. Did you have a significant other?

16 A No.

17 Q Okay. Have you ever had a significant
18 other that you've talked to about this situation?

19 A No.

20 Q Do you have a significant other now?

21 A Yes.

22 Q What's --

23 A Yes.

24 Q What's the significant other's name?

25 A Keith Grieshop.

1 Q How do you spell his last name?

2 A G-R-I-E-S-H-O-P.

3 Q Where's he employed?

4 A Jay's American Pub in Celina.

5 Q Jay's American Pub?

6 A (Witness nodded.)

7 Q What does he do there?

8 A Kitchen manager, slash, bartender.

9 Q Did he know you were having your
10 deposition taken today?

11 A I had told him that I had something to
12 take care of for work, but I didn't really say
13 anything about what was going on.

14 Q Did you tell him you were having your
15 deposition taken?

16 A No.

17 Q Did I hear you earlier say you have plans
18 to move to Columbus?

19 A Yes.

20 Q How long until you're going to move to
21 Columbus?

22 A Hopefully within the next two months.

23 Q Do you have a place to live?

24 A That's in the process.

25 Q Are you going with Keith?

1 A Yes.

2 Q After sending the text to Lorraine, did
3 you have any contact with her later that day?

4 Because I presume now we're into Saturday?

5 A Yes. She gave me a call, phone call.

6 Q What time did she call you?

7 A I don't remember.

8 Q Was it in the morning? Was it at night?

9 A It was either morning or afternoon. I
10 can't remember when.

11 Q And what did you tell her?

12 A She told me she read the statement and
13 asked me to go through the events and I told her
14 what all happened and she said okay, thank you.

15 She's, like, I'll keep you updated to let you know
16 what's going to go on. She's like you don't have
17 to --

18 Q Go ahead.

19 A -- worry about Jane or fearing like you're
20 going to lose your job.

21 Q Okay. Did she ask you for witnesses?

22 A She did ask me if I thought or knew of
23 anybody being around, and I just told her, I'm like
24 I think so, like I think Ciara seen something. I'm
25 like Jill might have seen something and Darla might

1 have seen something.

2 Q Why do you say Jill might have said
3 something -- saw something? I asked you if you saw
4 Jill?

5 A Because I didn't see them. Like I don't
6 know what they saw or where they were even at.

7 Q Okay. Well, when the incident was
8 happening, I asked you who you claimed witnessed it,
9 and you said Ciara put her hands up and you heard
10 Darla?

11 A Yes.

12 Q I then asked you if you saw Jill and you
13 told me no?

14 A Right. Correct.

15 Q So why were you telling Lorraine that Jill
16 witnessed the event?

17 A I said she might have seen something or
18 heard something, I don't know, is what I told her.

19 Q Well, why didn't you just name everyone in
20 the facility then?

21 A I don't know. I don't know why I didn't.

22 Q Well, did you name everyone that was there
23 that night, the entire facility?

24 A I might have.

25 Q Okay. Because when there's an incident,

1 you're supposed to name everybody that's in the
2 facility, correct?

3 MR. GARRISON: Objection to form.

4 A Right.

5 Q Okay. So who do you claim was in the
6 facility that night?

7 A I know Jill was, me, Jane, Ciara, Darla,
8 June. I don't know who was working up in assisted
9 living, I don't remember, and I don't remember who
10 the other nurse was.

11 Q Okay. So there was June -- what's June's
12 last name?

13 A McKee.

14 Q Just like it sounds?

15 A Yes.

16 Q And then there was another nurse, is that
17 an LPN or an RN or --

18 A I don't know.

19 Q Where's the other nurse located?

20 A You have one for 200 Hall and then one for
21 300 Hall.

22 Q Okay. What was Jill the nurse for?

23 A I think it was 200 Hall. I don't remember
24 for sure.

25 Q What was June the nurse for?

1 A She's an STNA.

2 Q Okay. Then the other nurse would have
3 been for the 300?

4 A Yes.

5 Q Okay. So are these all of the people that
6 you told Lorraine about?

7 A That I can remember being there, yes.

8 Q Did you tell Lorraine that you tried to
9 have a conversation with Jill and Jill just kept
10 telling you Jane's just having a bad day?

11 A Yes.

12 Q Did you also tell Lorraine that you tried
13 to talk to the other nurse but that she blew you off
14 or words to that effect?

15 A I don't remember on that.

16 Q Well, did you talk to this other nurse?

17 A I'm pretty sure I did, but I really cannot
18 remember.

19 Q Well, I mean, I thought you told me that
20 you tried to talk to the other nurse but she
21 wouldn't listen to you?

22 A And I'm pretty sure that I said that --
23 I'm pretty sure I tried talking to her.

24 Q Okay. Pretty sure just means you're
25 guessing?

1 A That I don't remember.

2 Q So you're guessing?

3 A I guess, yeah.

4 Q Is there any security at the facility,
5 meaning security personnel?

6 A No.

7 Q Is there an alarm system at the building?

8 A Yes.

9 Q Do you know how to operate the alarm?

10 A I know how to let people out and in
11 through the front door.

12 Q Okay. But do you know how to set the
13 alarm if something's happening, place is getting
14 robbed, a patient's being assaulted?

15 A No.

16 Q Okay.

17 A The only -- the only security that we have
18 is an alarm to try to make sure residents don't
19 elope.

20 Q Okay. And you certainly know how to dial
21 911, correct?

22 A Yes.

23 Q After having this conversation with
24 Lorraine, what did you do? Were you scheduled to
25 work that day?

1 A I don't remember.

2 Q Were you scheduled to work Sunday?

3 A I don't remember.

4 Q Okay. Did you ever talk to anyone else
5 from the company?

6 A I know Bob from corporate called me and
7 asked me to go over the event and what happened with
8 him and that was either Monday or Tuesday.

9 Q Were you working at the time?

10 A No. I had class. And he called.

11 Q Well, did Bob call you directly or did Bob
12 call your family and ask where you were? What
13 happened?

14 A He called my cell phone directly from the
15 facility.

16 Q How do you know that? You saw the number
17 come up?

18 A Yes.

19 Q Okay. He didn't talk to your mother?

20 A No.

21 Q At any time?

22 A At some point later down -- I don't know
23 when, but at some point, yes, I talked to my mom.

24 Q No. It's did Bob ever talk to your mom?

25 A Oh, I'm sorry. No, Bob never spoke to any

1 family of mine. Well, wait. Did he? My mom might
2 have answered the phone actually, I'm sorry.

3 Q She might have answered your cell phone?

4 A Yeah, my mom answered my cell phone
5 because I was getting ready for school. I'm sorry.

6 Q So you weren't at school?

7 A No. I was getting ready to head to
8 school.

9 Q And then did she hand the phone to you?

10 A Yes.

11 Q And then you talked to Bob?

12 A Yes.

13 Q You didn't have to call him back?

14 A No.

15 Q Then what happens?

16 A Got in my car and headed to school.

17 Q Okay. Anything else about the incident?

18 A (Witness shook head.)

19 Q Company ask you any questions again?

20 A No, not since Bob talked to me.

21 Q Okay. When did you find out that Jane had
22 been terminated?

23 A Either at the end of the next week or the
24 middle of the next week. I can't remember when I
25 would have worked next.

1 Q Well, did you know she was terminated
2 before you arrived at the facility? Did anyone call
3 you and tell you, text you and tell you?

4 A Not that I remember.

5 Q Anyone on Facebook tell you?

6 A Not that I remember at all.

7 Q So Bob never called and told you that Jane
8 was going to be terminated?

9 A Actually, let me -- Lorraine might have
10 called me. Yeah, I think she called me again to
11 check up on me and told me not to worry about work,
12 not to be fearful or scared because Jane was no
13 longer working with them.

14 Q Okay. Well, when did she make that call?

15 A I don't remember. It was before I went
16 back to work.

17 Q Well, when were you scheduled to go back
18 to work next after that Friday?

19 A I don't remember.

20 Q When did you -- what were your typical
21 days of work?

22 A My schedules change so much, I can't
23 remember. I'm sorry. I know I worked every Friday,
24 but other than that, I really can't remember. I
25 think -- I think I worked every other Thursday. I

1 know I worked every other weekend, but I don't
2 remember throughout the week.

3 Q Well, it seems like you worked Friday.

4 Then you didn't work any longer until the next week?

5 A I can't remember. I'd have to --

6 Q Well, did you get any days off paid?

7 A No. Unless you use PTO and you request
8 that a month in advance.

9 Q Well, I'm just trying to understand. You
10 work Friday. Then were you scheduled to work
11 Saturday and Sunday?

12 A I can't remember.

13 Q What was typical? Were you only working
14 one shift a week?

15 A No. It was two or three.

16 Q Have you discussed Jane's termination with
17 any current or former employees that you haven't
18 already told us about?

19 A No.

20 Q I mean, did you think the company took the
21 appropriate action?

22 A I -- I don't know. I don't know what --

23 Q I mean, is that what you were hoping would
24 happen when you said either something happens
25 internally or I'm going to take it outside the

1 facility?

2 A I didn't want to see anybody get fired.

3 Sus -- suspension is what --

4 Q That would have made you happy?

5 A That would have made me feel more
6 comfortable.

7 Q Do you currently have any type of record?

8 A What do you mean?

9 Q Well, I know that you claim you were
10 arrested when you were 13 and that you somehow
11 switched when you became 17 or 18 to some sort of
12 supervised -- unsupervised probation. Do you -- are
13 you still under any type of probation?

14 A No.

15 Q Do you think your record's been expunged?

16 A I know it is.

17 Q Do you think an attorney can't get to your
18 expunged record? Is that your understanding?

19 A Yes.

20 Q Who told you that? Did your dad tell you
21 that?

22 A No. I just --

23 Q What attorney did you hire to expunge your
24 record, if any?

25 A None.

1 Q Did it yourself?

2 A The courts did it.

3 Q Handing you what's been previously marked
4 as Plaintiff's Exhibit 5. Have you seen this
5 document prior to today?

6 A Yes.

7 Q For the record, what does this document
8 appear to be a copy of?

9 A My statement form of the incident with
10 Jane Fiely.

11 Q Okay. Is this the document or a copy of
12 the document that you've had in your car for the
13 last year and a half?

14 A Yes.

15 Q Okay. What other documents do you keep in
16 your car other than the witness' statement from the
17 incident with Jane? Anything else?

18 A Car insurance.

19 Q Okay. Anything else?

20 A My Italian birth certificate.

21 Q Okay. Anything else?

22 A That's about it.

23 Q I mean, I'm just seeing like how important
24 this was for you. You kept your Italian birth
25 certificate and the insurance that you have to keep

1 by law in your car?

2 A Uh-huh.

3 Q And then this document?

4 A Yes.

5 Q And you told me that you kept this
6 document in your car because you don't want your
7 parents to be involved in your business?

8 A Yes.

9 Q Is there something on this document if
10 your parents would read it they might think isn't
11 truthful?

12 A No.

13 Q Why wouldn't you want them to see the
14 document then?

15 A Because my mom's nosy and likes to talk
16 and gossip to people.

17 Q Well, has your dad read it?

18 A My biological dad?

19 Q Yeah.

20 A Yeah.

21 Q I mean, do you separate your father who
22 raised you from the time you were eight as
23 biological dad and stepdad?

24 A They're both dads.

25 Q You call them both dads?

1 A Yeah.

2 Q Okay. So has your stepdad seen the
3 document?

4 A I think he did. I can't remember if I
5 showed him.

6 Q You just didn't show your mom because you
7 thought she was mouthy?

8 A Yes. I know she is. That's a fact.

9 Q I see on the statement that there's a
10 location for one or two witnesses to sign the
11 document and date the document. Do you see that?

12 A Yes.

13 Q Did you attempt to get anyone to witness
14 the document at the time you wrote it?

15 A I never was told that we had to have
16 somebody sign it other than --

17 Q Well, other than -- perhaps you haven't
18 been told, but do you know what the word witness --

19 A Yes.

20 Q -- W-I-T-N-E-S-S, do you know what that
21 word says? Witness, right?

22 A Yes. Yes.

23 Q Okay. So given that there's a place on
24 the document for two witnesses, would you really
25 need to be told that?

1 A I mean, we've never had to have anyone
2 sign them so I just --

3 Q Well, have you filled out witnesses
4 against management employees in the past?

5 A No.

6 Q Okay. So the only incident reports that
7 you filled out in the past have to do with
8 residents?

9 A Yes.

10 Q And based on not having a witness when you
11 filled out an incident report for a resident, you
12 felt you didn't need a witness for this particular
13 document, correct?

14 A I guess you could say that, yeah.

15 Q So it would be your testimony that you
16 didn't even try to get a witness, correct?

17 A I mean, the third-shift nurse saw me
18 writing it out --

19 Q Okay.

20 A -- that was working.

21 Q Well, given that the third-shift nurse was
22 right there, did you say, hey, will you come witness
23 my signature?

24 A I didn't think about it, no.

25 Q Okay.

1 A I'm sorry.

2 Q Well, other than your testimony, what
3 evidence do we have that you wrote this document on
4 the 19th?

5 A I can give you a sample of my handwriting.

6 Q No, that would show that you wrote the
7 document.

8 A Yes.

9 Q But would that show me what date you wrote
10 the document?

11 A That's true.

12 Q Does your handwriting change every day?

13 A No.

14 Q Okay. So other than your testimony, what
15 other evidence do we have that you wrote the
16 document on the 19th?

17 A You can ask the third-shift nurse and then
18 the third-shift aides that were working, they seen
19 me filling out the paper --

20 Q So --

21 A -- to get their testimony.

22 Q Did they look over your shoulder and read
23 what you were writing?

24 A Not that I'm aware of.

25 Q And given the fact that there seemed to be

1 lots of employees walking around, were you in the
2 break room?

3 A Yes.

4 Q Okay. So apparently there are a lot of
5 employees in the break room between 11:00 and
6 12:00 at night. Did you ask one of them to witness
7 the document?

8 A It didn't cross my mind that it would be
9 needed.

10 Q I mean, did you show anyone the document
11 on the 19th? That's why I asked you if you showed
12 your stepdad or your mother. I asked you about
13 significant other. Anybody that may be able to
14 testify that they know you wrote this on the 19th?

15 A I think I asked the third-shift nurse to
16 re-read it and, like, if I had any like grammar
17 errors, which there's a lot in here, but if
18 something didn't make sense.

19 Q Okay.

20 A But I was trying to explain --

21 Q So who's the third-shift nurse?

22 A I don't remember. I think it might have
23 been Lola.

24 Q So you might have asked the third-shift
25 nurse --

1 A Yes.

2 Q -- whose name might be Lola?

3 A Yes.

4 Q Are you just guessing?

5 A Okay. I don't know.

6 Q Well, I'm sure one of the things you've
7 been told about in a deposition is nobody wants you
8 to guess. Has anyone told you that? I mean, did
9 your biological dad tell you don't guess in a
10 deposition?

11 A He said just tell the truth.

12 Q Okay. When you guess, you don't know if
13 you're telling the truth or not, correct?

14 A Yeah.

15 Q Okay. You indicate on the second page
16 that I saw Jane F. and Jill R. walk up towards the
17 front door and talk about something. What were they
18 talking about?

19 A I don't know. I couldn't hear them.

20 Q Why did you note it in this document then?

21 A 'Cause it was after the incident.

22 Q Okay. Well, so you -- did you follow Jane
23 around and anyone she talked to you made a note of
24 it?

25 A No.

1 Q Did you follow Jill around and anyone Jill
2 talked to you made a note of it?

3 A There was a few times that I was trying to
4 get on the phone to make a phone call and Jill kept
5 saying, Kelsey, you need to do this, you need to do
6 that. And it seemed like she was trying to prevent
7 me from calling Lorraine.

8 Q Did you say I'm trying to call Lorraine?

9 A I don't remember.

10 Q What -- how do you think Jill would have
11 known who you were trying to call?

12 A Because I tried talking to her about the
13 situation.

14 Q Okay. You also told me that it's a
15 violation of the rules to use your phone, correct?

16 A The facility phone is what I was trying to
17 use.

18 Q Okay. Well, did you go -- did you tell
19 Jill I'm trying to call Lorraine?

20 A I don't remember.

21 Q So, again, are you just guessing? I asked
22 you a question, you just guess at an answer? Is
23 that what we're doing?

24 A No.

25 Q Okay. So you specifically know that Jill

1 was preventing you from using the phone?

2 A That's how it seemed and looked like.

3 Q Well, where's it noted in your document
4 that Jill seemed to be preventing me from using the
5 phone?

6 A I didn't put it in there.

7 Q Why not? Wait a minute. To answer that,
8 are you going to have to guess?

9 A I was trying to make it as to the point as
10 I could.

11 Q So that's your testimony as to why you
12 included "I saw Jane F. and Jill R. walk up towards
13 the front door and talk about something"? You're
14 claiming you wrote that because Jill was preventing
15 you from using the phone?

16 A I don't know.

17 Q You then write I went to find other aides
18 to find out if they needed help, and when I did find
19 them, I felt embarrassed and violated because I knew
20 they witnessed the event.

21 I asked you what you did after the
22 incident and you told me that you went to the
23 nurse's station and tried to cool down? Yes?

24 A Yes.

25 Q Okay. So when is it that you went to

1 other aides to find out what other work you could
2 do?

3 A After my break.

4 Q Okay. What time is your break?

5 A I don't remember.

6 Q Was this just a break you took because you
7 felt you needed it?

8 A Yes.

9 Q Okay. So how long did you feel you needed
10 a break?

11 A Ten to fifteen minutes.

12 Q Because you were supposed to be doing all
13 of the things that you told us that you do with the
14 patients including turning them and changing their
15 diapers and bathing them and helping them eat,
16 correct? Why would you have to go to an aide to
17 find out what you needed to do?

18 A Because I was gone for a break and I don't
19 know who all they have helped and who they haven't.

20 Q Okay. Who did you talk to?

21 A I don't know.

22 Q Because I thought the point of you putting
23 this in the document, that I went to the aides to
24 find out what I was supposed to do is because you
25 felt embarrassed because you thought they witnessed

1 the incident?

2 A Yes.

3 Q Okay. So does that narrow it down to what
4 aides you went to?

5 A It was either Darla or Ciara.

6 Q Okay. It was either one of them?

7 A Yeah. I can't remember.

8 Q Okay. So when you say aides, plural, you
9 just mean one aide, Darla or Ciara?

10 A Yes.

11 Q Okay. And did you ask Ciara if she
12 witnessed anything?

13 A I don't remember.

14 Q Did you ask Darla if she witnessed
15 anything?

16 A I don't remember.

17 Q Because after all, you only heard Darla,
18 right?

19 A Right.

20 Q And you apparently see Ciara put up her
21 hands. Was she backing away?

22 A Yes.

23 Q Did that embarrass you?

24 A I don't remember what I felt. I mean --

25 Q You wrote on this document that Ciara

1 asked you if you needed her to fill out a statement
2 form because she could not believe what she saw and
3 how unprofessional Jane F. was and how Jane F.
4 seemed to be belittling and condescending you. Do
5 you see that? Start at the very end of the first
6 page and go over to the second page.

7 A Yes.

8 Q Okay. Because you didn't tell me that
9 when I asked you.

10 A It was so long ago. I can't remember
11 every single little detail.

12 Q You think that's a little detail?

13 A No. I don't remember when she came up to
14 me and asked me, but I know she did.

15 Q Okay. Well, you never have told us that
16 Ciara at any point had ever come up and asked you if
17 you wanted a statement and then she allegedly says
18 because she couldn't believe how unprofessional Jane
19 F. was and how Jane F. seemed to be belittling and
20 condescending you. Those were Ciara's words or your
21 words?

22 A I don't remember.

23 Q Okay. Because in Ciara's statement, she
24 says Jane wasn't yelling at you?

25 A I don't know.

1 Q Is it possible she didn't see Jane yelling
2 at you?

3 A I don't know.

4 Q Your testimony is Jane yelled at you,
5 right?

6 A Yes.

7 Q How far away was Ciara from you when you
8 saw her put her hands up? Three feet? Five feet?
9 Ten feet? One foot? Six inches?

10 A It was farther back.

11 Q Okay. But that doesn't help Brian or I.
12 How far back?

13 A Six, seven foot.

14 Q Okay. Because it's been alleged that this
15 is out in the open where people can see what's
16 happening and you -- Ciara says she doesn't yell,
17 Jane doesn't yell at you. You're telling me Ciara
18 was seven -- six or seven foot away. Darla, you
19 hear her, you don't see her. And I asked you about
20 Jill. I even said was she behind Jane and you said
21 you don't know?

22 A Exactly.

23 Q So who actually saw what was happening to
24 you --

25 A I don't know.

1 Q -- other than you?

2 A I don't know.

3 Q And you said the resident's daughter
4 allegedly would have written a statement for you?

5 A On what she heard.

6 Q Okay.

7 A Yes.

8 Q Did you take her up on it?

9 A I just didn't go back. She left before I
10 could even say -- like tried talking to her.

11 Q Well, no, you told us you were in the room
12 and she said I can't believe how she talked to you.
13 Do you want me to write a statement. Did you say
14 yes or no?

15 A I told her I'd let her know later.

16 Q Okay. Did you ever let her know later?

17 A She left before I could.

18 Q Okay. So you were going to?

19 A Yes.

20 Q Okay. To this day, have you asked her to
21 write a letter on your behalf?

22 A (Witness shook head.)

23 Q Have you seen her again since the night of
24 the incident?

25 A No. 'Cause shortly after that, the

1 resident got switched to assisted living so -- and I
2 work in the skilled area. It's a different hall
3 than what I'm on.

4 Q Well, have you asked Naomi if her daughter
5 is coming back to visit?

6 A No.

7 Q I mean, did Naomi hear what was said?

8 A I don't know. I never asked her.

9 Q Because Naomi and daughter are in the same
10 room, right?

11 A Right.

12 Q Did you know that Jane was sick that day?

13 A No, I did not.

14 Q Have you heard since then that Jane had
15 not come into work for a period of time because she
16 was ill?

17 A After that?

18 Q Yeah.

19 A -- not that I remember.

20 Q No? And with respect to any conversations
21 you had with Jill, wasn't Jill explaining to you
22 patient's rights and how you shouldn't be telling
23 the patient or the patient's family, you know, who
24 was violating their rights without double checking
25 first?

1 A I don't remember.

2 Q Are you aware Jill in her statement says
3 she never witnessed you being touched?

4 A I never seen anybody else's statements.

5 Q Well, because you don't know if Jill was
6 there, you really can't tell me if it would have
7 been possible that Jill could have been standing
8 there and not seen you touched, right?

9 A Right.

10 Q Why do you skip two spaces on the second
11 page and write, I feel strongly something needs to
12 be done internally or else I will involve outside
13 authority?

14 A I don't know. Just to --

15 Q I mean, did you write that later?

16 A No.

17 Q Did -- I mean, is that how you typically
18 write? You skip spaces when you write?

19 A When I do, yeah.

20 Q So if I looked at other incident
21 reports --

22 A When it's something different.

23 Q Well, did you learn in high school or
24 junior high or maybe even elementary school when
25 you're going to start a new subject, you could just

1 indent and start a new paragraph?

2 A Yes.

3 Q Okay.

4 A But I think I'm just used to the computers
5 because you -- I don't know, it's different area.

6 You skip.

7 Q Yeah. Is there some reason you didn't
8 type out the form? Do you not have access to
9 computers at work?

10 A We do, but just write them out is what --
11 this is all that I know of.

12 Q Well, given that you wanted Jill to see it
13 ASAP, I'm just wondering why you didn't type it out
14 and e-mail it to her?

15 A Hmm?

16 MR. GARRISON: Objection to form.

17 Q Not -- I'm sorry. It's not Jill. Given
18 that you wanted Lorraine to see the e-mail -- or to
19 see your statement, I'm just wondering why you
20 didn't type it out and e-mail it to Lorraine?

21 A I can't remember. Like, we just got more
22 computers in the facility and I can't remember when
23 they came in, but there's no -- nurses are really
24 the only ones that have the access to the computer.

25 Q Do you know how to scan a document and

1 send it?

2 A Not on the -- what's in the facility.

3 Q That night, how many copies of the
4 document did you make, if you did?

5 A Two for myself.

6 Q Why did you make two?

7 A In case I lost one.

8 Q Well, was in the car at all times not a
9 safe place?

10 A 'Cause my dashboard has a cooler in it,
11 and you put drinks in it, sometimes they explode,
12 too, so didn't really want --

13 Q Where did you have the second --

14 A In the --

15 Q -- copy?

16 A -- console right beside me.

17 Q So you had one in the console and one on
18 the dashboard?

19 A Yes.

20 Q Do people not ride in your car?

21 A They don't get into my stuff.

22 Q Well, I thought you didn't want to take it
23 in the house because you didn't want your mother to
24 see it?

25 A Right.

1 Q Yet, you would have it in your car for
2 anyone that rode in your car to see it given that it
3 was on the dashboard?

4 A It's not on the dash -- it's in the actual
5 glove box. It's concealed. So they shouldn't be
6 going through my stuff, and I don't leave anybody in
7 my car without me in it.

8 Q I thought you told me it was by the drink
9 holders?

10 A No. My car has a cooler in it, inside of
11 the -- where you pull it down, most normal people.
12 It has an actual cooler in it.

13 Q Okay. How far away is the police
14 department from the facility?

15 A A mile.

16 Q One mile?

17 A Within a mile.

18 Q I mean, do you have to drive by the police
19 department to go home?

20 A Yes -- well, no. It's a little bit
21 further before my turn.

22 Q I mean, how long would it have taken you
23 to drive to the police department?

24 A Not even five minutes from work.

25 Q Why do you write that Jill R. and Ciara M.

1 saw either all or most of it and Darla M. appeared
2 and asked Ciara to help her with resident across the
3 hall, if you today couldn't even testify whether or
4 not Jill was there?

5 A 'Cause I'm not very good when it comes to
6 writing things out.

7 Q Well, was Jill there or not?

8 A I don't know.

9 Q Well, you wrote she was there?

10 A I should have put may or may not have is
11 what I should have put in there.

12 Q And then it gives the impression that
13 Darla, you said, appeared. Only Darla's voice may
14 have appeared, correct?

15 A That's --

16 Q Darla, herself, wasn't there --

17 A Right.

18 Q -- according to your testimony? So the
19 only person that you could have wrote that may have
20 seen some or all is Ciara, correct?

21 A Yes.

22 Q Because you saw -- actually saw her and
23 she had her hands up?

24 A Yes.

25 Q When you saw Ciara and she put her hands

1 up, had Jane already pinned you to the wall at that
2 point?

3 A I was already against the wall.

4 Q So Ciara would have seen you pinned
5 against the wall?

6 A Yes.

7 Q And would Ciara have seen Jane allegedly
8 grab your right shoulder as you're walking away?

9 A I don't know. I can't see behind me.

10 Q Well, I mean did Jane pin you more than
11 once?

12 A No.

13 Q Now, the conversation that you had with
14 Bob, how long does that last?

15 A I don't remember.

16 Q Okay. Did you take notes during the
17 conversation?

18 A No.

19 Q Okay. Did you ever have a conversation
20 with anyone named Barry?

21 A Maybe the -- that rings a bell, but I
22 don't know or remember what about.

23 Q Okay. Well, did you have a conversation
24 with someone named Bob and someone named Barry or
25 just with a Bob or a Barry?

1 A I don't remember.

2 Q So having said that, you couldn't tell us
3 what you talked about with either of those two
4 individuals?

5 A No.

6 Q Did the two -- did one or both of the
7 individuals ask you questions similar to the one --
8 questions I asked about your written statement?

9 A I don't remember.

10 Q In your written statement, you said I was
11 taking a piece of meatloaf back to the resident's
12 room that their family member asked me to reheat for
13 them. So did you write that because you understood
14 the meatloaf had been hot at some point and then it
15 cooled down and now you were being asked to reheat
16 it?

17 A It was when they first initially asked me
18 to take it and heat it, heat it up.

19 Q Okay. I mean, was it hot at one point,
20 then cooled down, now you're reheating it?

21 A I don't remember. I think so.

22 Q You think so?

23 A But I don't remember.

24 Q Did either Bob or Barry ask to meet you
25 face to face and you told them that you couldn't

1 because of school?

2 A Yes.

3 Q Did you tell this Barry or Bob that the
4 resident's daughter said, quote, I can't believe she
5 spoke to you like that, end quote? In other words,
6 did you say this is exactly what the daughter said?

7 A I don't remember.

8 Q Did Barry or Bob ever tell you that they
9 had conducted an investigation and they would let
10 you know the conclusion of the investigation?

11 A I don't remember. I know that -- I know
12 they said that they're going to do an investigation,
13 but I don't remember if they said let me know.

14 Q Okay. The they, are you --

15 A Whatever.

16 Q -- are you talking about Barry or Bob or
17 both?

18 A Yeah, Barry or Bob. I don't remember
19 which one it was, or both, I don't remember.

20 Q But you know at some point Lorraine told
21 you that -- strike that.

22 At some point, did Lorraine tell you that
23 Jane had been terminated?

24 A She told me that she no longer works for
25 them.

1 Q When was that?

2 A I don't remember.

3 Q How many hours do you currently get at
4 St. Marys?

5 A Little over 30 a week. It's picking up.

6 Q Thirty a week?

7 A Little over, yeah.

8 Q And how many hours do you get with the
9 other job?

10 A About 15 a week.

11 Q So you now work about 45 hours a week?

12 A Yes.

13 Q And you plan on leaving both of those jobs
14 in the next two months?

15 A Yes.

16 Q But you don't plan on leaving the state of
17 Ohio, correct?

18 A Right.

19 Q Did you tell me that you had a place to
20 live or that you were looking for a place to live in
21 Columbus?

22 A It's in progress.

23 Q It's in progress?

24 A (Witness nodded.)

25 Q Are you going to live in Franklin County?

1 A I -- we're looking in different areas, the
2 suburbs of Columbus, not in the heart of Columbus.

3 MR. FRANKLIN: Okay. Why don't you
4 give me five minutes, Brian?

5 MR. GARRISON: Sure.

6 (Whereupon, a recess was taken at
7 1:32 p.m. and resumed at 1:40 p.m.)

8 BY MR. FRANKLIN:

9 Q At what point do you start to work at
10 St. Marys? Do you remember the year and the month?

11 A September 1st of 2011.

12 Q Was that the first time that you and Jane
13 had any type of confrontation?

14 A I don't remember.

15 Q Well, it was certainly the first time that
16 you allege she ever put her hands on you, correct?

17 A What was the question?

18 Q It's the first time that you allege she
19 ever put her hands on you?

20 A Are you asking for the date?

21 Q No. The first time that you allege that
22 she put her hands on you is April 19th, 2013,
23 correct?

24 A Yes.

25 Q Had she ever yelled at you in the past?

1 A No, not that I can remember.

2 Q Well, if she had yelled at you, would you
3 have filled out an incident report?

4 A No.

5 Q When Jane is allegedly -- when she
6 allegedly has you pinned against the wall, do you
7 have anything in your hands?

8 A Not that I remember.

9 Q I mean, does not what I remember -- not
10 that I remember mean you might have, you just don't
11 have present day recollection?

12 A Means I don't know. Sorry.

13 MR. FRANKLIN: I have no further
14 questions of this witness.

15 - - -

16 CROSS-EXAMINATION

17 BY MR. GARRISON:

18 Q Kelsey, how many Facebook friends do you
19 have presently?

20 A At least a thousand, if not more.

21 Q How many did you have in April of 2013?

22 A At least, over 500, somewhere -- or wait,
23 of 2013?

24 Q April of 2013, at the time of the incident
25 on April 19th, to the best of your recollection, how

1 many Facebook friends did you have?

2 A Close to the same amount.

3 Q The same amount as you have today?

4 A Yeah, within maybe a hundred.

5 Q A hundred fewer or a hundred more?

6 A Either -- well, fewer. Sorry.

7 MR. GARRISON: Nothing further.

8 - - -

9 FURTHER CROSS-EXAMINATION

10 BY MR. FRANKLIN:

11 Q In order to have someone be your friend,
12 do you have to accept them as your friend?

13 A Yes.

14 Q Okay. So you make a conscious -- they
15 request to be your friend, and then you make a
16 conscious decision if you want them -- if you want
17 to allow them to see the information on your
18 computer, correct?

19 A Just on my Facebook account, yes.

20 Q Okay. Of the individuals that you listed
21 from work, were those people not your friends?

22 A I mean, I'm a genuinely nice person and
23 somebody sends me a request, and if I know who they
24 are, I'll accept it.

25 Q Okay.

1 A 'Cause I don't post anything on Facebook
2 other than pictures of my dog, cat.

3 Q No, but you listed, for instance, Liz and
4 Darla and Gabby and Ciara and Jill as being on your
5 Facebook from work at that time?

6 A Yes.

7 Q Did you consider them to be your friends?

8 A At least acquaintances, people I know.

9 Q Okay. People you know.

10 MR. FRANKLIN: I have no further
11 questions.

12 MR. GARRISON: Nor do I. Reserve.

13 (Whereupon, the deposition was
14 concluded at 1:44 p.m.)

15 - - -

16 KELSEY L. QUELLHORST
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C-E-R-T-I-F-I-C-A-T-E

I, Teri Genovese Mauro, a Notary Public in and
for the State of Ohio, duly commissioned and
qualified, do hereby certify that the within-named
Witness, KELSEY L. QUELLHORST was by me first duly
sworn to tell the truth, the whole truth and nothing
but the truth in the cause aforesaid; that the
testimony then given by her was by me reduced to
stenotype in the presence of said Witness,
afterwards transcribed upon a computer; that the
foregoing is a true and correct transcription of the
testimony so given by her as aforesaid.

13 I do further certify that this deposition was
14 taken at the time and place in the foregoing caption
15 specified and was completed without adjournment.

16 I do further certify that I am not a relative,
17 employee or attorney of any of the parties hereto,
18 or otherwise interested in the event of this action.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 and affixed my seal of office at Toledo, Ohio, on
21 this 6th day of October, 2014.

22

23

24

My Commission expires
June 8, 2018.

TERI GENOVESE MAURO
Notary Public
in and for the State of Ohio

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